

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, November 19, 1996 by the chairman, Michael Alaimo.

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

ABSENT: Christopher Fejes
James Giachino

Motion by Sosnowski
Supported by Milia

MOVED, to excuse Mr. Fejes and Mr. Giachino from the meeting as they are both out of the County.

Yeas: 5
Absent: 2 - Fejes & Giachino

MOTION CARRIED

ITEM #1 APPROVAL OF MINUTES - October 15, 1996

Motion by Milia
Supported by Courtney

MOVED, to approve the October 15, 1996 minutes.

Yeas: 5
Absent: 2 - Giachino, Fejes

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: MacLeish Custom Building Co., 650-700 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the south and east property lines.

Mr. Alaimo noted that the petitioner has submitted a letter requesting tabling action.

Motion by Sosnowski
Supported by Courtney

MOVED, to table the request from MacLeish Custom Building Co., 650-700 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the south and east property lines until the next regular meeting (December 17, 1996) to allow the petitioner to be present.

Yeas: 5
Absent: 2 - Giachino, Fejes

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (DECEMBER 17, 1996)
CARRIED

ITEM #3 RENEWAL REQUESTED: Hollywood Super Markets, 2670 W. Maple Road, 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 that was granted for relief of the 6 foot high masonry screening wall required along the north property line, which abuts residential zoning. This relief has been granted on a yearly basis since 1976, primarily due to the fact, the property to the north is a Michigan Bell Telephone utility site, which is a permitted use in a residential district. Conditions remain the same, there are no objections or complaints on file.

William McCain, Store Director for Hollywood Super Markets, was present and had nothing to add.

Motion by Sosnowski
Supported by Milia

ITEM #3

MOVED, to grant Hollywood Supermarkets, 2670 W. Maple Road, a 3 year renewal of their variance for relief of the 6 foot high masonry screening wall required along the north property line:

- 1) There are no complaints on file.

Yeas: 5
 Absent: 2- Giachino, Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED

ITEM #4 RENEWAL REQUESTED: Sam Coleman, 1871 Birchwood, for relief of the 6 foot high masonry wall required to screen outdoor storage.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, to screen an outdoor storage area with a 7 foot high obscuring fence in lieu of a 6 foot high masonry screening wall. This obscuring element was originally required at both the right-of-way of Vermont and the right-of-way of Birchwood. Since the variance was originally granted, Vermont has been vacated and the relief only deals with the frontage on Birchwood. The site does have this obscuring element as indicated and we have no objections or complaints on file.

Byron Coleman was present and had nothing to add.

Motion by Milia
Supported by Courtney

MOVED, to grant Sam Coleman, 1871 Birchwood, a 3 year renewal of the variance for relief to maintain a 7 foot high obscuring fence, in lieu of the 6 foot high masonry screening wall, along Birchwood to screen outdoor storage:

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

Yeas: 5
 Absent: 2 - Giachino, Fejes

MOTION TO RENEW VARIANCE FOR 3 YEARS CARRIED

ITEM #5 RENEWAL REQUESTED: Schenck-Pegasus, 2890 John R., for relief of the 6 foot high masonry screening wall required along the east and a portion of the north property lines.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, in regard to the 6 foot high masonry wall required along the east property line and a portion of the north property line of their site that abuts residential zoning. This relief has been granted on a yearly basis since 1969, primarily due to the fact the residential land is undeveloped and mostly owned by the petitioner. In 1993 the petitioner appeared before this Board for renewal and at that time they had planted a double row of trees along the lot line to provide screening elements as approved by the abutting property owners. Other than that conditions remain the same, we have no objections or complaints on file.

Joe Vogel was present to represent Schenck -Pegaus and had nothing to add.

Motion by Courtney
Supported by Sosnowski

MOVED, to grant Schenck Pegasus, 2890 John R. a 3 year renewal of their variance for relief of the 6 foot high masonry screening wall required along the east and a portion of the north property line:

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

ITEM #5

Yeas: 5
Absent: 2 - Fejes, Giachino

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED

ITEM #6 RENEWAL REQUESTED: Crooks Road Investment Co., 2877 Crooks Road, for relief of the 6 foot high masonry screening wall required along the west property line.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to maintain a 5 foot high wood fence in lieu of the 4'6" high masonry wall required along the west property line and a portion of the south property line. In 1991 the petitioner obtained a variance, from the Board, based on the fact they would erect a 5 foot vertical cedar plank fence starting 30 feet north of the south property line and extending 210 feet along the west property line in lieu of the 4'6" high masonry screening wall required along their off-street parking area. Also, the wall would serve no useful or practical purpose because the property to the west may become future non-residential. Conditions remain the same, we have no objections or complaints on filed.

Berge Narjarian, representing Crooks Road Investment Company, was present and had nothing to add.

Mr. Sosnowski questioned development of the property to the west as a condominium complex. Mr. Shripka stated he believed it was going to the Plan Commission in the near future.

Motion by Sosnowski
Supported by Courtney

MOVED, to grant Crooks Road Investment Company, 2877 Crooks Road, a one year renewal of their variance, for relief to a 5 foot high wood fence in lieu of the 4'6" masonry wall required along the west property line and a portion of the south property line:

- 1) The property to the north may be developed as residential in the near future.
- 2) There are no objections on file.

Yeas: 5
Absent: 2 - Fejes, Giachino

MOTION TO RENEW VARAINCE FOR ONE YEAR CARRIED

ITEM #7 RENEWAL REQUESTED: Hartrick & Hartrick, 802 E. Big Beaver, for relief of the 6 foot high masonry screening wall required along the south and west property lines.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, to eliminate the 6 foot high masonry screening wall required along the south and west property lines. The Zoning Ordinance requires a 6 foot high masonry screening wall where non-residential abuts residential zoned property. This relief was originally granted in 1990, primarily because the property south may become future non-residential and the wall would serve no useful purpose. Conditions remain the same, we have no objections or complaints on file. This item was tabled at the last regular meeting to give the petitioner the opportunity to be present.

Bruce Hartrick was present and explained his absence at the October meeting and that he had complied with the request of the Board in regards to comments made at last year's meeting. Mr. Hartrick also noted that he had planted trees to serve as a screening element.

Motion by Milia
Supported by Sosnowski

MOVED, to grant Hartrick and Hartrick, 802 E. Big Beaver, a three year renewal of their variance for relief of the 6 foot high masonry screening wall required along the south and west property lines:

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

ITEM #7

Yeas: 5
Absent: 2 - Giachino, Fejes

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED

ITEM #8 VARIANCE REQUESTED: Michael & Elizabeth Chen, 6367 Shagbark, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner originally appeared before this Board in September of 1996 with a request for a variance for front and rear yard setbacks. It was tabled at that meeting and they appeared again at the October 1996 meeting with a revised plan indicating only a rear yard setback. It was determined at that time that a new or revised notice should be sent. The petitioner now appears before this Board based on a revised request that indicates the petitioner is requesting relief of the Zoning Ordinance to construct approximately a 365 square foot addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 24 foot rear yard setback. The Zoning Ordinance requires a 35 foot rear yard setback.

Elizabeth Chen was present and stated that the proposed addition was to provide room for her 86 year old father to move in with them. As the Board suggested, at a previous meeting, they did check into a chair lift to the second floor. To provide accommodations for her father on the second floor, they would have to make the bathroom barrier-free and it would decrease the width of the adjoining bedroom to 7'6" wide. Mrs. Chen noted that they have the approval of their subdivision association and showed the Board signatures from 30 neighbors approving of their proposal.

The chairman opened the public hearing.

Mary Jo Hermiller, President of the Homeowner's Association was present and stated that the Board of Directors and the Architectural Committee both approve of the Chen's proposed addition. Ms. Hermiller further noted that the Chen's property backs up to a large commons area, therefore, it would have no affect on neighboring properties.

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

There were 4 approvals on file.

Motion by Waller
Supported by Sosnowski

MOVED, to grant Michael & Elizabeth Chen, 6367Shagbark, a variance, as requested, for relief to construct an addition to the rear of their home, resulting in a 24 foot rear yard setback where a 35 foot rear yard setback is required:

- 1) The variance is not contrary to public interest.
- 2) The variance will not establish a prohibited use.
- 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 petitioner has presented a personal hardship.
- 6) There are 34 approval to the request.

Yeas: 5
Absent: 2 - Giachino, Fejes

MOTION TO APPROVE REQUEST CARRIED.

ITEM #9 VARIANCE REQUESTED: Matthew McNabb, 33873 Dequindre, for relief to add to an existing legal non-conforming building and relief of the required setback from the north property line.

ITEM #9

Mr. Shripka explained that the petitioner originally appeared before this Board at their October 15, 1996 meeting. At that time the petitioner was requesting relief the Zoning Ordinance to construct an addition to an existing industrial building. The existing building is used for an automotive repair facility. The Zoning Ordinance prohibits automobile service facilities from having frontage on a major thoroughfare. Therefore, the proposed addition to this facility would constitute an expansion of a non-conforming use. The Zoning Ordinance also prohibits the expansion of a non-conforming use. Also, the plans for the existing building indicate the building is located on the north property line. The Zoning Ordinance requires a minimum 10 foot side yard setback. Therefore, the addition to this building constitutes the expansion of a non-conforming structure also. The Zoning Ordinance prohibits the expansion of non-conforming structures. Also, the proposed addition continues the zero foot setback to the north property line. The ordinance again requires a minimum side yard setback of 10 feet in this Light Industrial Zoned District. At that meeting, the item was tabled to give the petitioner the opportunity to submit more detailed plans for review.

Matthew McNabb was present and stated that since last month's meeting they have revised their plans to remove the front office, which gives them a 50 foot setback. They propose adding to the rear of the building, updating the present building, and will provide required landscaping. Mr. McNabb further stated that the additional room is needed to update equipment as will be required by OSHA and the EPA. Unless they update their equipment they cannot stay in business.

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

Motion by Sosnowski
Supported by Milia

MOVED, to grant Matthew McNabb, 33873 Dequindre, a variance, as requested, for relief to construct an addition to the rear of their building, as noted on their new plot plan, extending their zero foot setback from the north property line where a 10 foot setback is required:

- 1) The variance is not contrary to public interest.
- 2) The variance relate only to the property described in the application.
- 3) The variance does not establish a prohibited use within the zoning district.'
- 4) Public health and safety requirements are a definite factor in this situation because of OSHA and the EPA
- 5) Conforming would be unnecessarily burdensome.

Yeas: 5
Absent: 2 - Fejes, Giachino

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: Father & Son Construction, 1551 Witherbee, for relief of the rear yard setback.

The petitioner is requesting relief of the Zoning Ordinance to constrict a 16'x12' addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 28.5 foot rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback.

Larry Hanson was present to represent the homeowner. Mr. Hanson cited other homes in the area with similar setbacks. Mr. Hanson stated that the homeowner requires additional living area as the home is only approximately 1,200 square feet and occupied by Mr. Obloy and his three children; 21, 19 and 18. It is impossible to add to the rear of the home without the variance because the present home has only a 40 foot rear yard setback. Mr. Obloy has a home office and needs the additional room as he is presently using one of the bedrooms for his office.

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

There were 2 approvals on file.

ITEM #10

The chairman asked the petitioner if he would like the Board to table this item until the next meeting to give the petitioner the benefit of a full Board. Mr. Hanson stated that he would have to call the homeowner and ask him.

The chairman moved this item to the end of the agenda (Item #15) to give the petitioner the opportunity to contact the homeowner.

ITEM #11 VARIANCE REQUESTED: Jim Yarema, 283 Minnesota, for relief of the front yard setback.

The petitioner is requesting relief of the Zoning Ordinance to erect a fabric awning on the front of an existing building. The plot plan shows the proposed awning would result in a 43.75 foot front yard setback. The Zoning Ordinance requires a 47 foot setback to architectural features.

Jim Yarema and Dan Yarema, the architect, were present. The petitioners stated that they have recently renovated the building. Part of the renovations is replace the awning. When he came to the Building Department regarding the awning he was informed he did not meet the setbacks. The awning is over the entrance off the vestibule and the covering is to protect the customers from the weather elements.

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 Milia
Supported by Sosnowski

MOVED, to grant Jim Yarema, 283 Minnesota, a variance, as requested, for relief to erect a fabric awning on the front of the building, resulting in a 43.75 foot setback where 47 feet is required:

- 1) The variance does not establish a prohibited use.
- 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 proposed awning is aesthetically pleasing and is an improvement.
- 5) It is not an addition, but replacing a deteriorated awning, returning the building to its previous condition.

Yeas: 5
Absent: 2 - Fejes, Giachino

MOTION TO APPROVE REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: Congregation Shir Tikvah, 3856 Northfield Parkway (proposed address) for relief of the required setback from the front and rear setbacks and relief of the 4'6" masonry wall required along the east side of off-street parking.

The petitioner is requesting relief of the Zoning Ordinance to construct a new 9,880 square foot religious facility. The plot plan shows the proposed building would have an overhang of 6'10" into the front or west and rear or east setbacks, resulting in a 40'2" setback where 47 feet is allowed. Also the plot plan does not show a 4'6" high masonry screening wall on the east side of off-street parking. The Zoning Ordinance requires a 4'6' high masonry screening wall where parking abuts residential.

Larry Littman, Chairman of the Building Committee and Bert Kosick, Project Manager from the Architects Office, were present. Mr. Littman stated that this is a unique site in that it is 215 feet wide and approximately 1,000 feet deep. It is heavily wooded and they would like to maintain as many trees as possible. They have met with the neighbors and they do not want a wall erected. They propose to use the existing trees and plant additional screening, meeting the intent of the ordinance.

ITEM #12

Mr. Kosick stated that the lot is narrow and limits the buildable area, however, the building has substantial setbacks from the lot lines of the site. Mr. Kosick explained the roof structure of the building and noted that it is only the overhang or roof projection is the only portion of the building that encroaches into the setback. Because the lot is heavily wooded, there is a natural screening of the building.

The chairman opened the public hearing.

Elaine Messini, 1452 Lockmoor, was present and indicated that she did not want the wall but was concerned that the existing trees would not provide enough screening. Mrs. Messini stated that she and her neighbor would like to see some evergreens added to assure screening. Mrs. Messini had no objection to the overhang.

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

There were 2 approvals and 1 objection on file.

Motion by Milia
Supported by Courtney

MOVED, to grant the Congregation Shir Tikvah, 3856 Northfield Parkway, a one (1) year renewable variance for relief of the 4'6" high masonry wall between the parking area and abutting residential:

- 1) The petitioner is conscious of the need to screen the parking area from residential and has agreed to provide additional landscaping to provide that screening.
- 2) The proposed screening elements to be added in the area adjacent to residential shall be included in the landscaping plan for Parks and Recreation approval.

Yeas: 5
Absent: 2 - Giachino, Fejes

MOTION TO GRANT VARIANCE FOR ONE (1) YEAR CARRIED

Motion by Milia
Supported by Sosnowski

MOVED, to grant the Congregation Shir Tikvah, 3856 Northfield Parkway, a variance, as requested, for relief to construct a new 9,880 sq. ft. religious facility with roof overhangs which project 6'10" into the front and rear setback, resulting in a 40'2" setback where 47 feet is permitted:

- 1) The variance is minuscule compared to the size of the site.
- 2) The variance is not contrary to public interest.
- 3) The variance will not establish a prohibited use.
- 4) The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
- 5) The variance relates only to the property described in the application.
- 6) It maintains the decor of the area and the aesthetics of the entire building.
- 7) Conforming would be unnecessarily burdensome.

Yeas: 5
Absent: 2 - Giachino, Fejes

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 VARIANCE REQUESTED: Ross & Beth Reynolds, 364 Hickory, for relief of the front setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a wheelchair ramp. The plot plan shows the proposed ramp would result in a 6'2" front yard setback. The Zoning Ordinance requires a 15 foot setback to an uncovered porch.

ITEM #13

Ross Reynolds was present and stated that the ramp was for wheelchair access to their home for his handicapped daughter. The setback variance is needed because of the existing setback of the home and the slope needed for the ramp.

The chairman opened the public hearing.

Marvin Prine, 383 Hickory, was present and approved of the variance request.

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

There were 9 approvals on file.

Motion by Sosnowski
Supported by Courtney

MOVED, to grant Ross and Beth Reynolds, 364 Hickory, a variance, as requested, for relief to construct a wheelchair ramp on the front of their home, resulting in a 6'2" setback were 15 feet is required:

- 1) The variance is not contrary to public interest.
- 2) The variance relates only to the property described in the application.
- 3) The variance will not establish a prohibited use within the zoning district.
- 4) The petitioner has established a personal hardship.
- 5) There are a number of approvals on file

Yeas: 5
Absent: 2 - Fejes, Giachino

MOTION TO APPROVE REQUEST CARRIED

ITEM #14 VARIANCE REQUESTED: Marathon Oil Co., 1400 W. Maple, for relief of the minimum site size, relief of the required setback from the north property line and relief of the 5 foot wide sidewalk required between the building front and vehicular area.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new gasoline service station. The Zoning Ordinance requires the site of 20,000 square feet for a service station. The plot plan shows the site is 11,550 square feet. The plot plan shows a 14'4" setback to the north property line. The Zoning Ordinance requires a 30 foot setback. The Zoning Ordinance also requires a 5 foot wide sidewalk between the front of the building and a vehicular use area. No sidewalk is shown on the proposed plan. Mr. Shripka further explained that it has been noted that there are no service bays for this proposed building. The Zoning Ordinance states that service stations without bays requires the site be 15,000 square feet.

Matt Wright, Engineer, was present to represent Marathon Oil. Mr. Wright stated that it is their proposal to demolish the existing station and construct a modern station at the site. They will be adding the required greenbelt and landscaping to meet the ordinance. The access drives nearest the intersections will be removed. Mr. Wright indicated that they have replaced many old stations with new buildings and this is the smallest building they have ever constructed in an attempt to provide the area with a modern station. Mr. Wright also noted that the building will not be larger than the existing one.

The Board questioned the purchase of additional property. Mr. Wright stated that they have attempted to, however, there is no property available for purchase. The Board asked what would happen if the variance is not granted. Mr. Wright stated that they would have to operate out of the old facility.

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

There was 1 approval and 1 objection on file.

ITEM #14

Motion by Courtney
Supported by Waller

MOVED, to table the request of Marathon Oil Co., 1400 W. Maple, for relief of the site size, relief of the setback from the north lot line and relief of the 5 foot wide sidewalk required between the building front and the vehicular use area until the next regular meeting (December 17, 1996) to give the petitioner the benefit of a full board.

Yeas: 5
Absent: 2 - Giachino, Fejes

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (DECEMBER 17, 1996)
CARRIED

ITEM #15 (ITEM #10) VARIANCE REQUESTED: Father & Son Construction, 1551 Witherbee, for relief of the rear yard setback.

Mr. Hanson stated that he had contacted the homeowner and they do not want a tabling action due to the time of year and this is the minimum size room needed.

Motion by Waller
Supported by Milia

MOVED, to grant Father & Son Construction, 1551 Witherbee, a variance, as requested, for relief to construct a 16'x12' addition resulting in a 28.5 foot rear yard setback where 40 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 to properties in the immediate vicinity of zoning district.
- 4) The variance relates only to the property described in the application.
- 5) The petitioners hardship is the house is small for the number of people.

Yeas: 3 - Alaimo, Waller, Milia
Nays: 2 - Sosnowski, Courtney
Absent: 2 - Giachino, Fejes

MOTION TO APPROVE FAILS - REQUEST DENIED

The Board of Zoning appeals adjourned at 9:10 p.m.

GAS/ddb

