

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, December 17, 1996 by the Chairman, Michael Alaimo.

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

ITEM #1 Approval of minutes - November 19, 1996

Motion by Sosnowski  
Supported by Waller

MOVED, to approve the minutes as written

Yeas: All 7

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: J. F. Venture Co., 1120 E. Long Lake, for relief of the 6 foot high masonry screening wall required along the east property line..

Mr. Shripka explained that the petitioner is requesting renewal of their variance for the 6 foot high masonry screening wall required along the east property line. This relief was originally granted in 1984 based on the fact that the petitioner was installing plantings in lieu of the wall. The plantings have been installed, are surviving well and do provide adequate screening along the property line. Conditions remain the same, we have no objections or complaints on file.

Mark Kosanke of Concord Financial Group was present and stated that J. F. Venture is no longer the owner of the property, they became owners in May of 1996. Mr. Kosanke further stated that the conditions do remain the same and they feel that the plantings are currently higher than the required wall.

Motion by Milia  
Supported by Fejes

MOVED, to grant Concord Financial Group, 1120 E. Long Lake, a 3 year renewal of their variance to provide plantings along the east property line, in lieu of the required 6 foot high masonry screening wall:

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE YEARS CARRIED.

ITEM #3 RENEWAL REQUESTED: Troy Christian Chapel, 400 E. Long Lake, for relief of the 4'6" high masonry screening wall required along the south and west property lines.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, in 1986 to maintain a fence and landscaped berm in lieu of the required 4'6" high masonry screening wall along a portion of the south and west property lines that abut residential. This relief was originally based on the fact the abutting neighbors requested the berm and fence in lieu of their required masonry wall. Conditions remain the same and we have no objections or complaints on file.

ITEM #3

Reverend Dan Lewis was present and had nothing further to add.

Motion by Sosnowski  
Supported by Courtney

MOVED, to grant Troy Christian Chapel, 400 E. Long Lake Road, a 3 year renewal of their variance to maintain a landscaped berm in lieu of the 4'6" high masonry screening wall required along the south and west property lines where off-street parking abuts residential:

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR 3 YEARS CARRIED

ITEM #4 RENEWAL REQUESTED: Philip D. Cohen, 2950 E. Wattles, for relief of the 6 foot high masonry screening wall required along the south property line.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, in 1993 for relief of the requirement to install a 6 foot high masonry screening required along the south property line. This wall is required where non-residential abuts residential zoned properties. The relief was originally granted, based on the fact the wall would serve no practical purpose and the variance was not contrary to public interest. Conditions remain the same, we have no objections or complaints on file.

Philip D. Cohen was present and requested the variance be renewed for three years in that he feels the plantings are now established.

Motion by Milia  
Supported by Waller

MOVED, to grant Philip D. Cohen, 2950 E. Wattles, a three (3) year renewal of his variance for relief of the 6 foot high masonry screening wall required along the south property line where non-residential abuts residential:

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

Yeas: All 7

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

ITEM #5 RENEWAL REQUESTED: The Bharaiya Temple, 6850 Adams, for relief of the 4'6" high masonry wall required adjacent to off-street parking and relief of the required number of trees required along South Boulevard.

The Chairman moved this item to the end of the agenda (Item #12) to give the petitioner the opportunity to be present.

ITEM #6 RENEWAL REQUESTED: Troy Lanes/Family Fun Center, 1950 E. Square Lake Road, for relief of the 6 foot high masonry screening wall required along the west property line.

ITEM #6

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, to maintain a 6 foot high earth berm in lieu of the 6 foot high masonry screening wall required at the west property line which abuts residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent residential property is used as a church. Conditions remain the same, we have no objections or complaints on file.

Roger Robinson was present to represent the petitioner. It was noted that the ownership of the property is scheduled to change within the next 3 to 4 weeks.

Motion by Fejes  
Supported by Sosnowski

MOVED, to grant Troy Lanes/Family Fun Center, 1950 E. Square Lake, a one (1) year renewal of their variance to maintain a 6 foot earth berm in lieu of the 6 foot high masonry screening wall required along the west property line:

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

ITEM #7 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. 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 along the south and east property lines of their site. This variance has been granted on a yearly basis since 1986, primarily because the Master Land Use Plan indicates the adjoining land could possibly become future non-residential. Conditions remain the same, we have no objections or complaints on file. This item was tabled at our last regular meeting to give the petitioner the opportunity to be present.

Dan MacLeish was present and had nothing further to add.

Motion by Courtney  
Supported by Milia

MOVED, to grant MacLeish Custom Building Co., 650-700 E. Big Beaver, a three (3) year renewal of the variance granted for relief of the 6 foot high masonry screening wall required along the south and east property lines where non-residential abuts residential:

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

Yeas: All 7

MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED

ITEM #8 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 use area.

The chairman noted that a letter has been received requesting this item be tabled until the next regular meeting.

ITEM #8

Motion by Courtney  
Supported by Waller

MOVED, to table the request of Marathon Oil Company, 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 the vehicular use area, until the next regular meeting (January 21, 1997) as requested by the petitioner.

Yeas: All 7

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING (JANUARY 21, 1997)  
CARRIED

ITEM #9 VARIANCE REQUESTED: Richard E. Orrico II, 600 W. Maple Rd., for relief of the front yard setback and relief of the required landscaped area.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to expand a parking lot. The plot plan shows the proposed parking lot would be within 10 feet of the front lot line. The Zoning Ordinance requires a 50 foot front yard setback and does not permit parking within the front setback. The plan also shows 5,044 square feet of landscaping. The Zoning Ordinance requires 8,502 square feet of landscaping for this site.

Richard Orrico and Art Kalajian, the architect, were present. Mr. Kalajian stated that their proposal was to increase the size of the parking lot and provide a new exit drive to Maple Road. Because of the relationship of Bywood across from their property, their employees, truck drivers, and clientele encounter difficulty and dangerous traffic conditions exiting the site. Due to the layout of their truckwell, approximately 13 parking spaces are lost because they are needed to allow maneuvering room for the trucks making deliveries. They also lost 2 parking spaces to a dumpster enclosure. Additional parking is needed because of the unique use of the building, there is warehousing, office and sales personnel and they also have clients coming to the building to make purchases. Mr. Kalajian pointed out that there is a total of 116 employees. Because the building is not full a warehousing use, they need more parking. It is their proposal to use the front parking extension for their clients so they will not have to park in the rear and walk around the building to enter. They also propose to erect a 2 foot high berm with a lot of landscaping to block the view of the parking area.

Richard Orrico showed the boards photos and a video of their parking and the problems and dangers their delivery trucks have maneuvering exiting the site onto Maple Road.. Mr. Orrico was questioned about purchasing additional property for parking and he stated he has attempted to buy additional adjacent property but has been unsuccessful. Mr. Orrico noted this site is their headquarters and they have sales meetings and training seminars which also require additional parking. Mr. Orrico was questioned on re-designing the truckwell and he stated that they have looked at alternatives but none will provide them with additional parking area.

When questioned about the required landscaping, Mr. Kalajian stated that if granted the variance to extend the parking, they would lose approximately 1/3 of their present landscaping but felt what they were providing would be more aesthetically pleasing.

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

Motion by Giachino  
Supported by Fejes

MOVED, to deny the request of Richard E. Orrico II, 600 W. Maple, for relief to provide parking in the front setback and relief of the required landscaping, based on the following:

ITEM #9

- 1. The request goes beyond the Board of Zoning Appeals purviews, to allow a business that has been successful in the past, to extend itself to the extent proposed.
- 2. The petitioner has not presented a sufficient hardship, there are other alternatives.

Yeas: 6- Courtney, Alaimo, Giachino, Milia, Sosnowski, Fejes  
 Nays: 1- Waller

MOTION TO DENY REQUEST CARRIED

ITEM #10 VARIANCE REQUESTED: Donald L. Pratt, Wake-Pratt Construction Co., 3031 Albany (proposed address), for relief of the required setback from Big Beaver.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new 1710 sq. ft. single family residence. The plot plan shows the proposed construction would result in a 30.77 foot setback from Big Beaver. The Zoning Ordinance requires a 50 foot setback.

Donald Pratt the builder and John Dinan, the owner/developer were present. Mr. Patt stated that they are selling out the subdivision and this is one of the few lots left. He has picked the smallest home of the footprints they have. Although this lot is larger than many in the subdivision, to meet the required setbacks the home could only be 26-1/2' in width. The depth of the house is also a consideration because the home is on a cul-de-sac and would have a greater setback. Mr. Pratt pointed out that the setback is in character and consistent with the home that they back up to on Heritage, which has a 29.6' from Big Beaver and the one across the street on Albany, both of which were granted a variance. Mr. Pratt also noted that because this was a cul-de-sac there is be no exit onto Big Beaver.

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

There was 1 letter of approval on file.

Motion by Milia  
Supported by Fejes

MOVED, to grant Donald L. Pratt, Wake-Pratt Construction, 3031 Albany, a variance, as requested, for relief to construct a 1710 sq. ft. single family residence, resulting in a 30.77 foot setback from Big Beaver, where a 50 foot setback is required, base on the following:

- 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.
- 4. No reasonable use can be made of the property without a variance.
- 5. Public health, safety and welfare will not be negatively effected.
- 6. The unusual characteristics of the property.
- 7. It is consistent with the characteristics of adjacent properties.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #11 VARIANCE REQUESTED: Michael Obloy, 1551 Witherbee, for relief of the rear yard setback.

ITEM #11

Mr. Shripka explained that this request originally appeared before the Board at their November 19, 1996 meeting. At that time the petitioner, represented by Father & Son Construction, was requesting relief of the ordinance to construct a 16'x12' addition to the rear of an existing residence. That request was denied. Since that time the owner of the property has contacted us and there has been substantial change both to the reasons and to the size of the addition. Therefore, the petitioner is now before this Board to request relief of the Zoning Ordinance to construct a 16'x11' addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 29.5 foot rear yard setback. The Zoning Ordinance requires a 40 foot rear yard setback.

Mr. Obloy was present and stated that the addition was needed to provide his family with additional living space needed. Mr. Obloy stated he and his four grown children live there, the house is approximately 1250 square feet, they have lived there since 1976 and hope to remain in the home. The addition will provide them with needed room for their lifestyle and family gatherings. Mr. Obloy pointed out that there are many similar setback encroachments in the area.

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

There was 1 approval and 1 objection on file.

Motion by Giachino  
Supported by Waller

MOVED, to grant Michael Obloy, 1551 Witherbee, a variance, as requested, to construct a 16'x11' addition to the rear of an existing residence, resulting in a 29.5 foot rear yard setback where 40 feet is required, based on the following:

1. The configuration of the lot
2. It is a small house
3. The lot does not allow for expansion in any direction without a variance.
4. The variance is not detrimental to the area.
5. Other similar variances have been granted in the area.

Yeas: 5- Waller, Giachino, Milia, Fejes, Alaimo  
Nays: 2- Sosnowski, Courtney

MOTION TO APPROVE REQUEST CARRIED.

ITEM #12 (ITEM #5) RENEWAL REQUESTED: The Bharaiya Temple 6850 Adams, for relief of the 4'6" high masonry wall required adjacent to off-street parking and relief of the required number of trees required along South Boulevard.

The petitioner was not present.

Motion by Fejes  
Supported by Waller

MOVED, to table the request of Bharaiya Temple, 6850 Adams, until the next regular meeting (January 21, 1997) to give the petitioner the opportunity to be present.

Yeas: All 7

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (JANUARY 21, 1997) CARRIED.

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

GAS/ddb

