

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, November 18, 1997.

PRESENT: Michael Alaimo
Kenneth Courtney
Christopher Fejes
James Giachino
Carmelo Milia
Jerald Sosnowski
Wayne Wright

ITEM #1 APPROVAL OF MINUTES - October 21, 1997

Motion by Courtney
Supported by Wright

MOVED, to approve the October 21, 1997 minutes.

Yeas: All 7

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: The Church of Jesus Christ Latter Day Saints, 2784 E. Square Lake, for relief of the 4'6" masonry wall required along the east and west sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, to maintain landscaped berms in lieu of the 4'6" high masonry wall required along the east and west sides of property abutting off-street parking. This variance was originally granted in 1991 based on the fact the berm is in keeping with the area and desired by the abutting neighbors. Conditions remain the same, we have no objections or complaints on file.

Mr. Johansen, a Bishop for the church was present and had nothing to add.

Motion by Milia
Supported by Courtney

MOVED, to grant the Church of Jesus Christ Latter Day Saints, 2784 E. Square Lake Road, a three (3) year renewal of their variance to maintain landscaped berms in place of the 4'6" masonry wall required along the east and west sides of their off-street parking areas:

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 #3 RENEWAL REQUESTED: Congregation of Shir Tikvah, 3900 Northfield Parkway, for relief of the 4’6” high masonry wall required along the east side of off-street parking.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, to install and maintain landscaping in lieu of the required 4’6” high masonry wall required along the east side of the off-street parking area. This variance was originally granted in November of 1996. Since that time the church has begun construction but is incomplete at this time.

Bruce Turbo, head of the Building Committee was present. Mr. Turbo stated that the neighbors preferred the berm and natural screening. Mr. Turbo noted that the neighbors are satisfied.

Mr. Shripka explained that the neighbors did have some concerns last year after the meeting when the landscape plan was submitted to Parks and Recreation. But in a recent conversation, it has been noted that neighbors are now satisfied.

Mr. Turbo noted that it is their intent to satisfy the neighbors and to be a good neighbor. More plantings and higher trees where added to comply with neighbor wishes.

Motion by Fejes
Supported by Wright

MOVED, to grant the Congregation Of Shir Tikvah, 3900 Northfield Parkway, a one year renewal of their variance as the site is still under construction.

Yeas: All 7

MOTION TO RENEW VARIANCE FOR ONE (1) YEAR CARRIED

ITEM #4 VARIANCE REQUESTED: Shamia Farag Wassef, 39865 Dequindre (proposed address) , for relief of the minimum lot width.

Mr. Shripka explained that this item originally appeared before this Board at their August 19, 1997 meeting. At that time the petitioner was requesting relief of the Zoning Ordinance to construct a 2,600 sq. ft. 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. At the September meeting this item was again tabled for two months to allow the City to provide the Board with information on this remnant parcel. Also, due to the fact the petitioner would not be in town during the month of October.

Mrs. Wassef was present and showed the board real estate sheets, pointing out there are homes in Troy on similar size lots, less than 85 feet, some on 60 foot lots.

ITEM #4

Nino Licari, Assistant City Assessor, was present and explained, to the Board, the platting of the subdivision and that when the subdivision was platted this parcel was somehow left out of the subdivision platting.

Mr. Giachino questioned the lot sizes and Mr. Licari explained how subdivision lot averaging works, indicating the smallest lot in the adjacent subdivision could not be less than 62 feet in the adjacent subdivision with lot averaging.

The Board and Mr. Licari discussed the property, the surrounding area. Several Board members expressed concerns with the size of the property and self imposed hardships. The possibility of splitting the lot and selling parcels to adjacent neighbors. It was also discussed that the property is not a buildable site without a variance.

Motion by Giachino
Supported by Wright

MOVED, to grant Shamia Farag Wassef, 39865 Dequindre (proposed address), a variance, as requested, for relief to construct a single family residence on a 59 foot wide lot where 85 feet is required:

1. The parcel is unbuildable without a variance.
2. The request is not unreasonable and is not undesirable for the area.
3. The petitioner has demonstrated the she is the owner of the property.
4. It is in the best interest of the City to develop this parcel
5. The variance is granted with the condition that no other variance shall be applied for on this property.

Yeas: 3- Milia, Wright, Giachino
Nays: 4- Sosnowski, Fejes, Courtney, Alaimo

MOTION FAILS - REQUEST DENIED

ITEM #5 VARIANCE REQUESTED: Kevin D. Wagner, 1644 Elm Drive, for relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 15.5'x7' addition to the rear of an existing residence. The plot plan shows the proposed addition would result in a 39.4 foot rear yard setback. The Zoning Ordinance requires a 45 foot rear yard setback.

ITEM #5

Kevin Wagner was present and stated that there is a small room at the rear of the home where he proposes the addition. The existing room is only 6-1/2 feet wide. Mr. Wagner stated that he hopes to increase the room size to 13-1/2'x15-1/5' to make is a useable size room. Mr. Wagner hopes to use the room for a children's play room. They have an irregular shaped lot and if the lot were square the encroachment would be less.

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 Courtney
Supported by Milia

MOVED, to grant Kevin D. Wagner, 1644 Elm Drive, a variance, as requested, for relief to construct a 15.5'x7' addition, resulting in a 39.4 foot rear yard setback where 45 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 relates only to the property described in the application.
4. The petitioner has demonstrated a hardship with the shape of the property and the need to increase the room to a useable size.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #6 VARIANCE REQUESTED: HI-LEX Corporation, 1055 W. Square Lake, (proposed address), for relief of the front setback and landscaping.

Mr. Shripka explained that the petitioner was present and would be asking for tabling of the request to provide corrected information on the site.

Ken Strobel was present to represent HI-LEX Corporation. Mr. Strobel stated that they have a new boundary survey and they cannot achieve the landscaping indicated on the site plan originally submitted to the Board and advertised in the public hearing notice. Mr. Stobel stated that they would like a special meeting so that they could go to the Planning Commission on December 9, 1997.

The Board agreed on a December 3, 1997 special meeting to hear this item.

ITEM #7 VARIANCE REQUESTED: Terry Stamper, 6399 Norton, for relief of the rear yard setback.

ITEM #7

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to add bay windows on the rear (south side) of an existing residence. The plot plan shows the proposed addition of the bays would result in a 28.5 foot rear yard setback. The Zoning Ordinance requires a 45 foot rear yard setback.

Mr. Stamper was present and stated that he had lived in the home for several years. He recently married and has two teenage daughters. He is constructing an addition to the home, including a garage and bay windows in the two bedrooms on the rear of the home. The bay windows will give the room a larger appearance for the two girls. The rear yard setback is presently only 30 feet. He is only adding the two bay windows to the rear, encroaching only 1-1/2 feet further. Mr. Stamper stated that the windows will give the room a sense of being larger, and the encroachment would not significant.

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

Motion by Milia
Supported by Wright

MOVED, to grant Terry Stamper, 6399 Norton, a variance, as requested, for relief to construct two bay windows on the rear of an existing home, resulting in a 28.5 foot rear yard setback where 45 feet is required:

1. The variance is not contrary to public interest.
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. 1-1/2 feet is minimal in nature.
5. The variance will not create an impact on neighboring properties.

Yeas: All 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 OTHER BUSINESS -- Consideration of public hearing for zoning variance request - Thomas Brown 2020 Rochester Road.

The Board reviewed a request from Mr. Brown, 2020 Rochester Road, to consider a request for a public hearing before the Board. The Board voted to hear Mr. Brown's request at the December meeting.

The Board of Zoning Appeals adjourned at 8:30 p.m.

GAS/ddb