

AGENDA

BOARD OF ZONING APPEALS JANUARY 18, 2005

COUNCIL CHAMBERS 7:30 P.M.

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 21, 2004

RENEWAL ITEMS

ITEM #2 – RENEWAL REQUESTED. HARRY & SUNNIE KWON, 38921 DEQUINDRE, for relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

POSTPONED ITEMS

ITEM #3 – VARIANCE REQUESTED. RICK HADAD, MR. ENCLOSURE SUNROOMS, 4451 REILLY, for relief of the Ordinance to construct a patio enclosure that would result in a proposed 25.3' rear yard setback where Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

ITEM #4 – VARIANCE REQUESTED. MERI BORIN, 2317 VERMONT, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit, located in the side yard, with a side yard setback of 2.4' to the east property line and a distance of 7.5' to the attached garage.

PUBLIC HEARINGS

ITEM #5 – VARIANCE REQUESTED. DANIEL THOMPSON, 6867 SHELLDRAKE, for relief of Section 30.10.05 of the Ordinance to maintain a home constructed with a 24.7 front yard setback to the front property line where 25' minimum is required.

ITEM #6 – VARIANCE REQUESTED. MIKE ELIAS, 5991 LIVERNOIS, PROPOSED ADDRESS 5977 LIVERNOIS, for relief of the Zoning Ordinance to construct a new gasoline/convenience store to replace the existing facility.

ITEM #6 – con't.

Paragraph B of Section 23.30.02 requires at least 15,000 square feet of land for a gasoline station in the H-S (Highway Service) Zoning District. The site plan submitted indicates that this site is only 13,382 square feet.

Paragraph G of Section 31.30.00 requires that front setbacks of 25' are provided to the edge of a pump canopy, and 35' are provided to the canopy support. The site plans submitted indicated a canopy edge setback of 23'-6" to Livernois and 22.8' to Square Lake. They also indicate a setback to the canopy support of only 31'-6" to Livernois and 33' to Square Lake.

Paragraph G of Section 31.30.00 further requires a side yard setback of 10' to the edge of a canopy and 20' to the canopy supports and pump islands. The site plan submitted indicates the canopy right on the south property line, 10'-3" to the canopy support and 9'-6" to the pump island.

In addition, a minimum of 1,138 square feet of countable landscaping is required by Section 39.70.04 for a site this size. The plans indicate that only 256 square feet of countable landscaping will be provided.

ITEM #7 – INTERPRETATION REQUESTED. JOHN PITRONE, OF THE HAYMAN COMPANY, 5700 CROOKS, SUITE 219, for an interpretation that the proposed use of an office space is permitted in the R-C Zoning District.

The property in question is located in the R-C (Research Center) Zoning District. Section 27.20.00 of the Zoning Ordinance establishes the principal uses permitted in the R-C Zoning District. Based upon the information provided with this proposal, it has been determined that the proposed use of this space would be classified as a medical office. There is no provision within Section 27.20.00 that permits medical offices as a principal use within the R-C Zoning District.

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2. Harry & Sunnie Kwon, 38921 Dequindre. Petitioners are requesting renewal of a variance granted by this Board to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This item last appeared before this Board at the meeting of January 2004 and was granted a one-year variance to allow the Board to study both the appearance and need for maintenance of the fence installed. Conditions remain the same and we have no complaints or objections on file.

3. Mr. Enclosure, 4451 Reilly. Petitioner is requesting relief of the Ordinance to construct a patio enclosure that would result in a 25.3' rear yard setback. Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

This item last appeared before this Board at the meeting of December 21, 2004 and was postponed to allow the petitioner the opportunity of a full Board.

4. Meri Borin, 2317 Vermont. Petitioner is requesting relief of the Ordinance to maintain a shed that has been constructed without first obtaining a Building Permit. The site plan submitted indicates that the shed has been constructed in a side yard with a side yard setback of 2.4' to the east property line and with a distance of 7.5' to the attached garage. Section 40.57.03 prohibits the placement of any accessory building in any yard except a rear yard. Section 40.57.05 requires a 6' minimum setback from an accessory building to any property line and a 10' minimum distance to the main structure.

This item last appeared before this Board at the meeting of December 21, 2004 and was postponed to allow the petitioner the opportunity of a full Board.

5. Daniel Thompson, 6867 Shelldrake. Petitioner is requesting relief of the Ordinance to maintain a home constructed with a 24.7' front yard setback to the front property line where 25' minimum is required by Section 30.10.05. The permit for the construction of the new home was issued with the stipulation that an as-built survey of the foundation was to be submitted before the framing was to be installed. Unfortunately, this was not done. Once the as built was done after the framing was installed it was discovered that the home was constructed 5" too close to the front property line.

6. Mike Elias, 5991 Livernois, 5977 Livernois (proposed address). Petitioner is requesting relief of the Zoning Ordinance to construct a new gasoline/convenience store to replace his existing facility. A similar plan appeared before the Board in May of 2004. Requests for variances on that plan were approved. A revised plan has now been submitted that requires similar, but different, variances as follows:

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6. Con't.

Paragraph B of Section 23.30.02 requires at least 15,000 square feet of land for a gasoline station in the H-S (Highway Service) Zoning District. The site plan submitted indicates that this site is only 13,382 square feet.

Paragraph G of Section 31.30.00 requires that front setbacks of 25' are provided to the edge of a pump canopy, and 35' are provided to the canopy support. The site plans submitted indicated a canopy edge setback of 23'-6" to Livernois and 22.8' to Square Lake. They also indicate a setback to the canopy support of only 31'-6" to Livernois and 33' to Square Lake.

Paragraph G of Section 31.30.00 further requires a side yard setback of 10' to the edge of a canopy and 20' to the canopy supports and pump islands. The site plan submitted indicates the canopy right on the south property line, 10'-3" to the canopy support and 9'-6" to the pump island.

In addition, a minimum of 1,138 square feet of countable landscaping is required by Section 39.70.04 for a site this size. The plans indicate that only 256 square feet of countable landscaping will be provided.

7. John Pitrone, 5700 Crooks, Suite 219. Petitioner is requesting an interpretation that a proposed use of an office space at 5700 Crooks Road is a permitted use in the R-C Zoning District. Section 27.20.00 of the Zoning Ordinance establishes the principal uses permitted in the R-C Zoning District. Based upon the information provided with this proposal, it has been determined that the proposed use of this space would be classified as a medical office. There is no provision within Section 27.20.00 that permits medical offices as a principal use within the R-C Zoning District. The petitioners are asking that you find that either the proposed use is not a medical office or that absent of that finding that a medical office is a permitted use in the R-C District. The provisions of Section 43.75.00 of the Ordinance regarding interpretations state that the Board can only determine whether or not the use is a permitted use. The Board cannot issue a "use variance" if it finds that the use is not permitted by the ordinance.