

AGENDA

**BOARD OF ZONING APPEALS
JANUARY 20, 2004**

**COUNCIL CHAMBERS
7:30 P.M.**

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 16, 2003

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5

ITEM #3 – RENEWAL REQUESTED. BRB PROPERTIES JOINT VENTURE, 1655 W. BIG BEAVER, for relief of the Zoning Ordinance to have a 6' high wood fence in lieu of the 6' high screening wall required along portions of the south property line.

SUGGESTED RESOLUTION. MOVED, to grant BRB Properties Joint Venture, 1655 W. Big Beaver, a three (3) year renewal of a variance to have a 6' high wood fence in lieu of the 6' high screening wall required along portions of the south property line.

ITEM #4 – RENEWAL REQUESTED. CATS BUILDING, 2100 W. BIG BEAVER, for relief of the 6' high masonry-screening wall required along the north end of the west property line.

SUGGESTED RESOLUTION. MOVED, to grant CATS Building, 2100 W. Big Beaver, a three (3) year renewal of a variance for relief of the required 6' high masonry-screening wall required along the north end of the west property line.

ITEM #5 – RENEWAL REQUESTED. FAITH APOSTOLIC CHURCH, 6710 CROOKS, for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking area, which abut residentially zoned property.

SUGGESTED RESOLUTION. MOVED, to grant Faith Apostolic Church, 6710 Crooks, a three (3) year renewal of a variance for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking areas, which abut residentially zoned property.

POSTPONED ITEMS

ITEM #6 – VARIANCE REQUESTED. JOHN POTVIN, 5648 CLEARVIEW DR., for relief of Section 30.10.02 of the Zoning Ordinance to construct a family room addition, which would result in a 28' rear yard setback where 45' is required.

PUBLIC HEARINGS

ITEM #7 – VARIANCE REQUESTED. HARRY & SUNNIE KWON, 38921 DEQUINDRE, for relief to install 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. The 6' high screen wall is required by Section 39.10.01 of the Zoning Ordinance.

ITEM #8 – VARIANCE REQUESTED. MR. & MRS. STEPHEN SLAVIK, 2949 VINEYARDS DR., for relief to construct a new, enclosed swimming pool addition on the rear of the existing home. This addition would result in an 18' rear yard setback where Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

ITEM #9 – VARIANCE REQUESTED. MR. & MRS. ANDREW BEZENAH, 2020 CUMBERLAND, for relief to construct an addition. The existing home has a 28.1' front setback to John R., where Section 30.10.04 requires a 30' front setback, which makes it a legal non-conforming structure. The proposed addition would continue this non-conformity. Section 40.50.04 of the Zoning Ordinance prohibits expansions of non-conforming structures in a way that increases the non-conformity.

ITEM #10 – VARIANCE REQUESTED. AMERICAN MSC, INC., 2451 ELLIOTT, for relief to maintain an addition constructed without the required Building Permit resulting in a rear yard setback of 14'-8". Section 30.20.09 of the Zoning Ordinance requires a minimum 20' rear yard setback in the M-1 Zoning District.

ITEM #11 – VARIANCE REQUESTED. A.J. BOWMAN, 5615 JOHN R., for relief of the Zoning Ordinance to construct a detached garage resulting in a 9.4' front yard setback to the south property line along Abbotsford. Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts.

AGENDA EXPLANATION

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2. RESOLVED, that Items #3 through #5 (with the exception of Item(s) _____) are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by

Supported by

3. BRB Properties Joint Venture, 1655 W. Big Beaver. Petitioner is requesting relief of portions of the 6' high masonry-screening wall required by Section 39.10.01 of the Zoning Ordinance along the south property line where the site abuts residentially zoned property. The petitioner has constructed a 6' high wood fence in lieu of the masonry wall in certain areas where they are trying to preserve trees. This Board has granted this relief on a yearly basis since January 1984. This item last appeared before this Board at the meeting of January 2001 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant BRB Properties Joint Venture, 1655 W. Big Beaver, a three (3) year renewal of relief of portions of the 6' high masonry-screening wall required by Section 39.10.01 of the Zoning Ordinance along the south property line where the site abuts residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

4. CATS Building, 2100 W. Big Beaver. Petitioner is requesting relief of the requirement to erect a 6' high masonry-screening wall along the west property line at the north end of this site. The northern 73' of this property abuts residential zoning to the west and a 6' high masonry-screening wall is required along that portion of the property by Section 39.10.01 of the Zoning Ordinance. This Board originally granted relief for this wall in 1983, based on the fact that the adjacent land was undeveloped and used as a retention pond. In January 2001, this Board granted a three (3) year renewal of this variance. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant Cats Building, 2100 W. Big Beaver a three (3) year renewal of relief of the 6' high masonry-screening wall required along the north end of the west property line.

- Variance is not contrary to public interest.
- Variance will not cause an adverse effect to surrounding property.

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5. Faith Apostolic Church, 6710 Crooks. Petitioner is requesting renewal of a variance granted by this Board since July 1981, for relief of the 4'-6" high masonry wall required by Section 39.10.01 of the Zoning Ordinance on the north, east and south sides of their off-street parking areas, which abut residential zoned property. This item last appeared before this Board at the meeting of January 2001 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant Faith Apostolic Church, 6710 Crooks, a three (3) year renewal of relief of the 4'-6" high masonry wall required by Section 39.10.01 of the Zoning Ordinance on the north, east and south sides of their off-street parking areas, which abut residential zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

6. John Potvin, 5648 Clearview Dr. Petitioner is requesting relief of the Zoning Ordinance to construct a family room addition. The site plan submitted indicates a family room addition at the rear of the home with a proposed 28' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoned Districts.

This item last appeared before this Board at the meeting of November 18, 2003 and was postponed to allow the petitioner the opportunity to meet with his builder and determine if this addition could be made smaller; and also, to allow the petitioner the opportunity to explore the possibility of constructing this addition along the north wall of this home. The petitioner has submitted a revised plan, which indicates a smaller addition resulting in a 32' rear yard setback. For the information of the Board we have included copies of the floor plans of the existing home in your packets.

7. Harry & Sunnie Kwon, 38921 Dequindre. Petitioner is requesting relief to install 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 portion of the site has an underground pipeline easement. The 6' high screen wall is required by Section 39.10.01 of the Zoning Ordinance.

This item was heard before this Board at the meeting of September 17, 2003 and was denied based on a determination of the City Attorney's office that the "right of way" agreement did not prohibit the construction of a structure on this easement. On December 16, 2003 the Board voted to reconsider this item based upon some new easement documents that were found. At the December 16, 2003 meeting action on this item was postponed to allow for the publication of a new Public Hearing based on the vote to reconsider. New hearing notices have been sent out regarding the request.

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8. Mr. & Mrs. Stephen Slavik, 2949 Vineyards Dr. Petitioner is requesting relief of the Zoning Ordinance to construct a new, enclosed swimming pool addition on the rear of the existing home. The site plan submitted indicates the addition will result in an 18' rear yard setback to the south property line. Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.
9. Mr. & Mrs. Andrew Bezenah, 2020 Cumberland. Petitioner is requesting relief of the Zoning Ordinance to construct an addition to the existing home. This lot is a double front corner lot. As such, Section 30.10.04 requires a 30' front setback along both Cumberland and John R. The mortgage survey submitted indicates the existing house has only a 28.1' front setback to John R. This condition would make the existing home a legal non-conforming structure. The proposed garage expansion and second floor master suite addition would continue the 28.1' non-conforming front setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.
10. American MSC, Inc., 2451 Elliott. Petitioner is requesting relief of the Zoning Ordinance to maintain an addition constructed without the required Building Permit. An inspection of this property determined that an addition has been constructed on the rear of the existing building without obtaining the required permits. A review of the subsequent plans submitted with the permit application indicates that the addition results in a rear yard setback of 14'-8". Section 30.20.09 of the Zoning Ordinance requires a minimum 20' rear yard setback in the M-1 (Light Industrial) Zoning District.
11. A.J. Bowman, 5615 John R. Petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. This lot is a double front corner lot. As such, it has front yard setbacks along both John R. and Abbotsford. Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts. The site plan submitted indicates a 9.4' front yard setback from the proposed garage to the south property line along Abbotsford.