ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, JULY 17, 2007
7 p.m.

ROLL CALL

PRESENT:	Mayor	Harold Haugh
	Board Members	Salvatore Aiuto John Chirkun Jan Haggerty Bill Shoemaker Richard Steenland Robert Taylor
ABSENT:		None
OTHERS PRESENT:	City Manager	Stephen Truman
	City Clerk	Rae Oldaugh
	City Attorney	Tim Tomlinson
	Director of Building and Inspection	Glenn Sexton

Mayor Harold Haugh called the meeting to order at 7 p.m. with the Pledge of Allegiance.

I. ROUTINE MATTERS

- Approval of minutes of meeting held June 5, 2007.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER ROBERT TAYLOR seconded approving minutes of meeting held June 5, 2007.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to conduct an outdoor maze adjacent to an approved haunted house on the property at 26570 Gratiot, Motor City Pawn Brokers, Anthony Aubrey, petitioner.

Petitioner Anthony Aubrey, 26510 Gratiot, appeared and explained to the Board that this maze is to alleviate any congestion caused by the indoor haunted house; security will be present on site. Mr. Aubrey stated that it has been a pleasure to do business in the City of Roseville and some proceeds from the haunted house will be donated to the Roseville Optimists.

Board Members Richard Steenland and Robert Taylor asked the petitioner a few questions regarding this request. Board Member Steenland recommends that a stipulation be placed on this request that the maze be dismantled no later than 15 days after Halloween.

Mayor Harold Haugh explained to Mr. Aubrey that if the Police Department has to respond to any complaints at this site, the haunted house and maze will be shut down.

No one from the public wished to be heard.

City Clerk Rae Oldaugh received one letter in opposition to this request.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER JAN HAGGERTY seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER JAN HAGGERTY seconded to adopt the resolution approving the petitioner's request for variance based upon the finding that a unique circumstance exists. The petitioner owns the adjacent properties to the east and south. The following stipulations were placed on the request:

1. All signage must comply with the City of Roseville Sign Ordinance.
2. The maze may be set up six weeks prior to Halloween.
3. The maze must be dismantled by November 15, 2007.
4. The City will shut down the maze if the Police Department has to respond to the location.

5. The maze must be inspected by the Fire Marshal, Electrical Inspector and the Building Department.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

REQUEST PERMISSION TO CONDUCT AN OUTDOOR MAZE ADJACENT TO AN APPROVED HAUNTED HOUSE ON THE PROPERTY AT 26570 GRATIOT, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-20-133-002 VAR. #1507

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 1203-2 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to park a commercial vehicle (2007 Dodge Sprinter with high top) on residentially zoned property at 17786 Common, Adrian Lazri, petitioner.

Petitioner Adrian Lazri, 17786 Common presented the Board with a petition from his neighbors in favor of this request.

Board Members Richard Steenland, Bill Shoemaker and Jan Haggerty asked the petitioner questions regarding this request.

No one from the public wished to be heard.

City Clerk Rae Oldaugh received no correspondence on this request.

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER JAN HAGGERTY seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER JOHN CHIRKUN seconded to adopt the resolution approving the petitioner's request for a variance based upon the finding that an undue hardship exists. The petitioner is self-employed and this is his work vehicle. The following stipulations were placed on this request:

1. The Sprinter Van must be parked as far back as possible on the property.
2. The variance applies to this vehicle only.
3. The variance will be reviewed in one year.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in

question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

REQUEST PERMISSION TO PARK A COMMERCIAL VEHICLE (2007 DODGE SPRINTER WITH HIGH TOP) ON RESIDENTIALLY ZONED PROPERTY AT 17786 COMMON, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-08-401-045 VAR. #1607

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2304 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to install privacy fence Less than two feet from an existing fence on the property at 25830 Hayes, James Merlo, petitioner.

Petitioner James Merlo, 25830 Hayes, explained this request to the Board.

Board Members Richard Steenland and Jan Haggerty asked the petitioner questions regarding this request.

Director of Building and Inspection Glenn Sexton explained that the building department received a waiver from the neighbor to the north of this property today. The neighbors to the south and east of this property have not signed a waiver to allow the fence installation; they are opposed to this request.

Charles Thompson, 25820 Hayes, is opposed to this request and stated that this yard is not maintained.

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER JOHN CHIRKUN seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

Mr. Merlo responded to Mr. Thompson's statements.

Mayor Haugh explained to Mr. Merlo that in the past the Board has denied any appeal for a privacy fence if the neighbors on any side are opposed to the request. Mr. Merlo responded that he has spoken with the neighbors and they have not agreed to this request.

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER SALVATORE AIUTO seconded to adopt the resolution to deny the petitioner's request for a variance based upon the finding that no undue hardship, unique circumstance or practical difficulty exists, or if it does, it was directly caused by the petitioner's actions. My finding is based upon the fact that the affected neighbor is in opposition to the request.

REQUEST PERMISSION TO INSTALL PRIVACY FENCE LESS THAN TWO FEET FROM AN EXISTING FENCE ON THE PROPERTY AT 25830 HAYES, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-09-301-011 VAR. #1707

will not be in harmony with the general purpose and intent of Fence Ordinance No.1125 Section 134-7A (7) (a) and will be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby denied.
MOTION CARRIED UNANIMOUSLY

4. Public Hearing and Board consideration for variance to use a portable sign for advertising purposes in front of Sandhurst Apartments on the property at 30582 Sandhurst, Christa Betts, petitioner.

Petitioner Christa Betts, 28552 Buckinghamshire, New Baltimore, MI, 48047 explained this request to the Board.

City Clerk Rae Oldaugh received no correspondence on this request.

Mr. Bernard Shereda, 17841 E. 13 Mile, Fraser, is opposed to this request.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER JAN HAGGERTY seconded to adopt the resolution approving the petitioner's request for a variance based upon the finding that an undue hardship exists. A similar request has been approved for St. Athanasius Church for seasonal approval.

The variance is granted for a period of six months.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

REQUEST PERMISSION TO USE A PORTABLE SIGN FOR ADVERTISING PURPOSES IN FRONT OF SANDHURST APARTMENTS ON THE PROPERTY AT 30582 SANDHURST, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-08-127-023 VAR. #1807

will be in harmony with the general purpose and intent of Sign Ordinance No. 1125 Section 264-9(L) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

5. Public Hearing and Board consideration for variance to add an array on an existing pole with three (3) panel antennas on the property at 18179 Sycamore, SAC Wireless, Alec Broadus, petitioner.

Dustin Billman, 4105 Colonial Drive, Royal Oak, appeared on behalf of SAC Wireless. Mr. Billman explained to the Board that this request is the same as the two variances previously approved by the Zoning Board of Appeals.

Board Member Robert Taylor asked the petitioner if this will change the height of the existing pole; Mr. Billman explained that an array will be added to the existing tower which will not change the height of the pole.

Mayor Harold Haugh asked City Attorney Tim Tomlinson how this type of request is worked out with the owners of the tower. Mr. Tomlinson explained that the tower is owned by a specific tower company and then the space is leased on the tower to other antenna users.

Board Member John Chirkun asked Mr. Billman if this tower was for cellular or wireless internet; Mr. Billman responded that this array will be used for wireless internet.

James Goldwater, 19346 Brandt, spoke regarding health issues with these towers and is opposed to this request.

City Attorney Tim Tomlinson explained that as long as the petitioner meets the federal guidelines, the Board cannot override the federal government guidelines.

Otto Wilhelm, 16405 Charleston, stated that this request follows the guidelines set by the City's Zoning Code of Ordinances.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded to adopt the resolution approving the petitioner's request for a variance based upon the finding that a unique circumstance exists. The size of the proposed antenna array will be more harmonious than the installation of a new tower.

The following stipulation was placed on this request:

> The lease on this tower must be reviewed by the City Attorney to ascertain whether any monies are owed to the City due to the additional array.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

REQUEST PERMISSION TO ADD AN ARRAY ON AN EXISTING POLE WITH THREE PANEL ANTENNAS ON THE PROPERTY AT 18179 SYCAMORE, ROSEVILLE, MI, 48066.

PERMANENT PARCEL NO. 14-17-453-025 VAR. #1907

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 1903-7-e (4) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

6. Public Hearing and Board consideration for variance to install a privacy fence in the (west) side yard on the property 18221 11 Mile Road, Pam Wilbourn, petitioner.

Director of Building and Inspection Glenn Sexton clarified for the Board that the petitioner is the owner/occupier of this property and there are no tenants living at this address.

Petitioner Pam Wilbourn, 18221 11 Mile Road, explained this request to the Board. Ms. Wilbourn presented a letter to the Board from a tree service she hired to work on her property which described problems the company had with the owner of the neighboring property.

Mayor Harold Haugh, Board Members Salvatore Aiuto, John Chirkun, and Robert Taylor asked the petitioner questions regarding this request.

Board Member Bill Shoemaker asked Mr. Sexton why the existing privacy fence has the posts toward the neighboring property; Mr. Sexton explained that this fence was in place before the fence ordinance was amended.

Jerry Caparo, 18233 11 Mile, is opposed to this request.

Patricia Miller, Washington Township, appeared on behalf of her father Joseph Kennedy who resides at 32559 Beaconsfield, Roseville, and owner of the neighboring property. Ms. Miller read a letter from her father into the record.

Joseph Kennedy, 32559 Beaconsfield, is opposed to this request.

City Clerk Rae Oldaugh received no correspondence on this request.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER SALVATORE AIUTO seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER JOHN CHIRKUN seconded to adopt the resolution to deny the petitioner's request for a variance due to the fact that no undue hardship, unique circumstance or practical difficulty exists, or if it does, it was directly caused by the petitioner's actions. The findings are based upon the fact that the affected neighbor is opposed to the request.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land

in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

REQUEST PERMISSION TO INSTALL A PRIVACY FENCE IN THE (WEST) SIDE YARD ON THE PROPERTY AT 18221 11 MILE ROAD, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-455-025 VAR. #2007

will not be in harmony with the general purpose of Ordinance No. 1125 Section 134-7A(7)(d) of the Fence Ordinance and will be injurious to the neighborhood or otherwise detrimental to the public welfare and is herby denied.
MOTION CARRIED UNANIMOUSLY

7. Public Hearing and Board consideration for variance to erect a building having a height of sixty (60) feet on the property at 30751 Little Mack, J.C. Cornillie Fuel Oil, Robert Grbic, petitioner.

George Lampson, 30751 Little Mack, appeared on behalf of the petitioner.

No one from the public wished to be heard.

City Clerk Rae Oldaugh received no correspondence on this request.

BOARD MEMBER RICHARD STEENLAND moved, BOARD MEMBER JAN HAGGERTY seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to adopt the resolution to approve the petitioner's request for a variance based upon the finding that a unique circumstance exists. The petitioner has met the ordinance requirement of 2′ additional setback for each additional 1′ increase in height and has the recommendation of the Roseville Planning Commission.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

REQUEST PERMISSION TO ERECT A BUILDING HAVING A HEIGHT OF SIXTY (60) FEET ON THE PROPERTY AT 30751 LITTLE MACK, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-09-227-003, 004, 005, & 006. VAR. #2107

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 1800 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

8. Public Hearing and Board consideration for variance to allow the loading dock area to be located within the front yard on the west end of the building on the property at 30751 Little Mack, J.C. Cornillie Fuel Oil, Robert Grbic, petitioner.

George Lampson, 30751 Little Mack, appeared on behalf of the petitioner.

Director of Building and Inspection Glenn Sexton stated that there will be little impact to the residents in the area if this request is approved.

City Clerk Rae Oldaugh received no correspondence on this request.

Otto Wilhelm, 16405 Charleston, asked the Board to clarify if the building's address will front Cornillie or Little Mack.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER JAN HAGGERTY seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

Mr. Lampson stated that the building will front Cornillie Drive and the address for the new building will also be Cornillie Drive.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to adopt the resolution approving the petitioner's request for a variance based upon the finding that a unique circumstance exists. The proposed building is located at the end of a dead end street and the loading dock is visible only from other industrial zoned properties.

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

REQUEST PERMISSION TO ALLOW THE LOADING DOCK AREA TO BE LOCATED WITHIN THE FRONT YARD ON THE WET END OF THE BUILDING ON THE PROPERTY AT 30751 LITTLE MACK, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-09-227-003,004,005 & 006 VAR. #2207

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 2003-4 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is herby granted.
MOTION CARRIED UNANIMOUSLY

III. HEARING OF THE PUBLIC

Jerry Caparo, 18233 11 Mile, commented that his neighbor's fence does not meet the current City code and commented on his neighbor's hedges.
Mayor Harold Haugh explained to Mr. Caparo that his neighbor's fence was construction previous to the fence ordinance amendment; therefore, the fence and hedges are permitted to stay in place as they are.

James Goldwater, 19346 Brandt, commented on the condition of the fence Mr. Caparo mentioned.

Mayor Haugh asked City Manager Stephen Truman what the City may do regarding maintenance of the current fence; Mr. Truman responded that Building Director Glenn Sexton will meet with Pam Wilbourn regarding the maintenance of the fence on her property.

IV. ADJOURNMENT

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER JAN HAGGERTY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:10 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Rae A. Oldaugh
City Clerk

PLEASE NOTE: A cassette tape of this meeting is on file in the City Clerk's Office for further information.