

**ROSEVILLE ZONING BOARD OF APPEALS**

CIVIC CENTER COUNCIL CHAMBERS

29777 GRATIOT AVENUE

ROSEVILLE, MI 48066

**Tuesday, June 21, 2016**

7:00p.m.

ROLL CALL:

PRESENT: Mayor Robert Taylor  
Mayor Pro Tem Jan Haggerty

BOARD MEMBERS: Charles Frontera  
Colleen McCartney  
Bill Shoemaker  
Steve Wietecha

ABSENT: BOARD MEMBER: Catherine Haugh

OTHERS PRESENT:

City Clerk Richard M. Steenland  
City Attorney Tim Tomlinson  
City Manager Scott Adkins  
Building Director Glenn Sexton

Mayor Robert Taylor called the meeting to order at 7:00 p.m.

BOARD MEMBER STEVEN WIETECHTA moved, MAYOR PRO TEM JAN HAGGERTY seconded to excuse Board Member Catherine Haugh.

**MOTION CARRIED UNANIMOUSLY**

**I. ROUTINE MATTERS**

**1. Approval of minutes of meeting held May 17, 2016.**

BOARD MEMBER COLLEEN MCCARTNEY moved, MAYOR PRO TEM JAN HAGGERTY seconded approve the minutes of the meeting held May 17, 2016.

**MOTION CARRIED UNANIMOUSLY**

**II. NEW BUSINESS**

**1. Public Hearing and Board Consideration for variance to construct a carport which would result in the accessory structure exceeding the area of the main residence at the property located at 17221 Cross, Robert Thompson, petitioner.**

Robert Thompson, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received one letter in opposition.

BOARD MEMBER COLLEEN MCCARTNEY moved, MAYOR PRO TEM JAN HAGGERTY seconded to close the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

BOARD MEMBER STEVEN WIETECHTA moved, to deny the petitioners request based upon any undue hardship that may is self – created by the petitioners desire to erect the carport.

**MOTION FAILED**

BOARD MEMBER BILL SHOEMAKER moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the variance for the property located at 17221 Cross, based upon the finding that a unique circumstance exists the addition to the accessory structure will be open on three sides.

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:

CONSTRUCT CARPORT WHICH EXCEEDS THE AREA OF THE MAIN RESIDENCE ON THE PROPERTY AT 17221 CROSS ROSEVILLE MI 48066.

PERMANENT PARCEL NO. 14-17-305-050

VAR. #0916

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 370-100AS (3) will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

**MOTION CARRIED**

**5 YEA**

**1 NAY**

- 2. Public Hearing and Board Consideration for variance to construct a new commercial building with less than the required 10' x 80' loading area at the property located at 28945 Utica, APCO Oil Company and Ra Chiesa Architects, petitioners.**

Ronald Chiesa and J. Hammoud, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

BOARD MEMBER COLLEEN MCCARTNEY moved, MAYOR PRO TEM JAN HAGGERTY seconded to close the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

BOARD MEMBER STEVEN WIETecha moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the variance based upon the findings that the lot is very shallow which presents a difficulty in providing an 80' long loading space.

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:

CONSTRUCT A NEW COMMERCIAL BUILDING WITH LESS THAN THE REQUIRED 10' X 80' LOADING AREA ON THE PROPERTY AT 28945 UTICA ROSEVILLE MI 48066.

PERMANENT PARCEL NO. 14-17-201-033

VAR. #11169

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 370-78A will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

**MOTION CARRIED**

**5 YEA**

**1 NAY**

- 3. Public Hearing and Board Consideration for variance to construct a new commercial building with less than 10' wide lawn panel on the property located at 28945 Utica, APCO Oil and Ra Chiesa Architects, petitioners.**

Ronald Chiesa and J. Hammoud, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

MAYOR PRO TEM JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to close the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

BOARD MEMBER STEVEN WIETECHTA moved, BOARD MEMBER BILL SHOEMAKER seconded to approve the variance that a unique circumstance exists, being the site is very shallow and there is a 6' existing lawn panel within the right of way.

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:

CONSTRUCT A NEW COMMERCIAL BUILDING WITH LESS THAN 10' WIDE LAWN PANEL ON THE PROPERTY AT 28945 UTICA ROSEVILLE MI 48066.

PERMANENT PARCEL NO. 14-17-201-033

VAR. #1216

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 370-93A will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

**MOTION CARRIED UNANIMOUSLY**

4. **Public Hearing and Board Consideration for variance to construct a new commercial building with less than 5% of total area of property dedicated to landscaping on the property located at 28945 Utica, APCO Oil Company and RA Chiesa Architects, petitioners.**

Ronald Chiesa and J. Hammoud, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

The following individuals spoke:

- Bryan Shishakly – 17831 Wellworth

BOARD MEMBER STEVEN WIETECHTA moved, MAYOR PRO TEM JAN HAGGERTY seconded to close the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

BOARD MEMBER BILL SHOEMAKER moved, MAYOR PRO TEM JAN HAGGERTY seconded to approve the variance based upon the finding that a unique circumstance exists, being there is a 6' landscape panel within the right of way between the sidewalk and the property line.

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:

CONSTRUCT A NEW COMMERCIAL BUILDING WITH LESS THAN 5% OF TOTAL AREA OF PROPERTY DEDICATED TO LANDSCAPING ON THE PROPERTY AT 28945 UTICA ROSEVILLE MI 48066

PERMANENT PARCEL NO. 14—17-201-033

VAR. #1316

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 370-93C will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

**MOTION CARRIED UNANIMOUSLY**

5. **Public Hearing and Board Consideration for variance to construct a new commercial building with less than 85' front yard setback on the property located at 28945 Utica, APCO Oil Company and RA Chiesa Architects, petitioners.**

Ronald Chiesa and J. Hammoud, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

BOARD MEMBER COLLEEN MCCARTNEY moved, MAYOR PRO TEM JAN HAGGERTY seconded to close the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

BOARD MEMBER BILL SHOEMAKER moved, MAYOR PRO TEM JAN HAGGERTY seconded to approve the variance based upon a practical difficulty exists, being the size and shape of the lot does not allow sufficient space to meet the required setback and construction of the new building.

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:

CONSTRUCT A NEW COMMERCIAL BUILDING WITH LESS THAN AN 85' FRONT YARD SETBACK ON THE PROPERTY AT 28945 UTICA ROSEVILLE MI 48066

PERMANENT PARCEL NO. 14-17-201-033

VAR. #1416

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 370-60 will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

**MOTION CARRIED UNANIMOUSLY**

6. **Public Hearing and Board Consideration for variance to construct a free standing sign to overhang the right of way on the property located at 29307 Gratiot, Ray Reynt (Party Hut) and Timothy Muller (Curb Appeal Concepts), petitioners.**

Ray Reynt (Party Hut) and Timothy Muller (Curb Appeal Concepts), petitioners appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

MAYOR PRO TEM JAN HAGGERTY moved, BOARD MEMBER CHARLES FRONTERA seconded to close the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

BOARD MEMBER STEVEN WIETECHKA moved, to deny the petitioners request for due to the fact the petitioner had failed to establish the existence of an undue hardship, unique circumstance or practical difficulty.

**MOTION FAILED**

BOARD MEMBER BILL SHOEMAKER moved, BOARD MEMBER STEVEN WIETECHKA seconded to approve the petitioner's request for a variance that a unique circumstance exists, being the proposed sign will project over the right of way less than a previous sign with the following stipulations:

- 1.) Building Department has the authority to reduce the lamination of the sign to 25%.

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:

CONSTRUCT A FREE STANDING SIGN TO OVERHANG THE RIGHT OF WAY ON THE PROPERTY AT 29307 GRATIOT ROSEVILLE MI 48066.

PERMANENT PARCEL NO. 14-09-351-018

VAR. #1516

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 264-5A (1) (d) will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

**MOTION CARRIED UNANIMOUSLY**

7. **Public Hearing and Board Consideration for variance to construct a new commercial building using architectural masonry block for more than 25% of wall material on the property located at 28279 Groesbeck Avenue, Ted Lucia (Lucia Brothers Landscaping).**

Ted Lucia, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

MAYOR PRO TEM JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to close the Public Hearing.

**MOTION CARRIED UNANIMOUSLY**

BOARD MEMBER CHARLES FRONTERA moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request for a variance based upon the finding that a unique circumstance being the towards the rear of the lot which would prevent most of the building for being visible from the public way.

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:

CONSTRUCT A NEW COMMERCIAL BUILDING USING ARCHITECTURAL MASONRY BLOCK FOR MORE THAN 25% OF WALL MATERIAL ON THE PROPERTY AT 28279 GROESBECK ROSEVILLE MI 48066

PERMANENT PARCEL NO. 14-18-152-016

VAR. #1616

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 264-5A (1) (d) will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

**MOTION CARRIED UNANIMOUSLY**

### **III. HEARING OF THE PUBLIC**

No one from the public wished to be heard.

### **IV. ADJOURNMENT**

MAYOR PRO TEM JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:52 p.m.

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Richard M. Steenland, City Clerk