ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, MARCH 17, 2009
7 p.m.

ROLL CALL:

PRESENT:	Mayor	John Chirkun
	Board Members	Salvatore Aiuto Jan Haggerty Frank Maisano Colleen McCartney Bill Shoemaker Robert Taylor
ABSENT:		None

OTHERS PRESENT:

City Controller/Assistant City Manager	Peter Provenzano
City Clerk	Richard Steenland
City Attorney	Tim Tomlinson
Director of Building	Glenn Sexton

Mayor John Chirkun called the meeting to order at 7 p.m. with the Pledge of Allegiance.

I. ROUTINE MATTERS

1. Approval of minutes of Regular meeting held February 17, 2009.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER FRANK MAISANO seconded to approve minutes of the Regular meeting held February 17, 2009.
MOTION CARRIED UNANIMOUSLY

City Controller/Assistant City Manager Peter Provenzano stated that Board Member Jan Haggerty notified City Manager Stephen Truman that she may be absent from the meeting this evening.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to excuse absent Board Member Jan Haggerty.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to establish a tattoo parlor within three hundred (300) feet of a residential zoning district on the property at 29323 Gratiot, Inkslingers, Mike Jeziak, petitioner.

The petitioner failed to appear. Building Director Glenn Sexton stated that all correspondence on this matter has been with the petitioner's attorney, who also failed to appear at the meeting this evening.

City Clerk Richard Steenland received one letter in opposition to this request.

Terry Mergenthaler, 25801 Wiseman, spoke in opposition to this request.

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

Board Member Salvatore Aiuto discussed the delinquent taxes on this property and the number of times the Police Department responded to this address.

Board Member Jan Haggerty arrived to the meeting at 7:06 p.m.

Board Member Robert Taylor commented that the Police Department had to respond to this location this evening; an individual was lying on the front steps of this address.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER ROBERT TAYLOR seconded to deny the petitioner's request for a variance to establish a tattoo parlor within three hundred (300) feet of a residential zoning district 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 Petitioner's Attorney John Ketzler, 4225 North Atlantic Blvd, Aburn Hills, appeared at the meeting at 7:08 p.m. City Attorney Tim Tomlinson explained that the Board may hear comments from the petitioner; however a vote will need to be made on the motion.

Mr. Ketzler discussed the action taken at the last meeting and commented that the petitioner is a candidate for approval of the variance.

Director of Building Glenn Sexton explained that this business has been vacant since October 2006; because this building sat vacant for over twelve months it is no longer a legal non-conforming status.

Mr. Tomlinson explained that at this point the Mayor should call for a vote on the first motion made.

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:

PERMISSION TO ESTABLISH A TATTOO PARLOR WITHIN THREE HUNDRED (300) FEET OF A RESIDENTIAL ZONING DISTRICT ON THE PROPERTY AT 29323 GRATIOT, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-09-351-020 VAR. #0209

will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 1907-1-b and will be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby denied.
MOTION CARRIED UNANIMOUSLY

III. HEARING OF THE PUBLIC

No one from the public wished to be heard.

IV. ADJOURNMENT

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:12 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk