ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, AUGUST 18, 2009
7 p.m.

ROLL CALL:

PRESENT:

Mayor	John Chirkun
Mayor Pro Tem	Robert Taylor
Board Members	Salvatore Aiuto
	Jan Haggerty
	Frank Maisano
	Colleen McCartney
	Bill Shoemaker

ABSENT: None

OTHERS PRESENT:

City Manager	Stephen Truman
City Clerk	Richard Steenland
Building Director	Glenn Sexton
City Attorney	Tim Tomlinson

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

I. ROUTINE MATTERS

- Approval of minutes of Regular Meting held August 4, 2009.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER SALVATORE AIUTO seconded to approve minutes of the Regular Meeting held August 4, 2009.
MOTION CARRIED UNANIMOUSLY

II. OLD BUSINESS

- Public Hearing and Board consideration for variance to remove existing masonry wall and install a 6' white vinyl privacy fence on the property at 19150 to 19400 12 Mile Road, Korvette Apartments, LLC, Tim Johns, petitioner.

Petitioner Tim Johns, 19300 12 Mile, appeared and explained his request and answer questions for the Board.

Mayor Chirkun asked the petitioner if he met with the area residents as he was asked to do by the Board at the last meeting; Mr. Johns did not meet with the neighbors due to his work schedule.

Mayor Chirkun asked Building Director Glenn Sexton if the petitioner has to replace the wall at the original height that was originally on the property; Mr. Sexton responded yes, the petitioner will have to install a will at the same height that was previously on site.

The Public Hearing was left open at the last meeting.

Prior to the meeting on July 21, 2009 City Clerk Richard Steenland received four letters in opposition to this request. No new correspondence was received.

Seven residents appeared and spoke in opposition to this request at the Public Hearing on July 21, 2009.

The following residents spoke in opposition to this request at this meeting:

Eugene Chownyk, 19004 Birmingham, is opposed to this request.
Matthew Larson, 19131 Ike, is opposed to this request.
Patty Castle, 19131 Ike, is opposed to this request.

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

Mayor Chirkun asked Mr. Sexton if there were any known rodent problems on this property; his is not aware of any recent complaints of rodents on this property.

Mr. Johns addressed a few concerns raised during the Public Hearing.

Board Member Salvatore Aiuto discussed the issue of Mr. Johns meeting with the neighbors in the area. Mr. Johns met with the residents after the meeting in the lobby on July 21, 2009; however, he did not meet with any residents after the day of the meeting.

Board Member Frank Maisano asked Mr. Sexton for clarification whether the ordinance is clear that every property must maintain what is originally constructed on any property; the ordinance requires that original wall on any property must be maintained.

Mayor Chirkun stated to the petitioner that the last business that the Board granted a variance for this type of fence was because the neighbors of the property had no objections to the request.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER BILL SHOEMAKER seconded to deny the petitioner's request for a variance to remove existing masonry wall and install a 6´ white vinyl privacy fence 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 finding is based upon the fact that the petitioner has failed to prove any undue hardship as he has the ability to rebuild the buffer wall in compliance with the ordinance requirements.

Board Member Colleen McCartney asked how long the petitioner has to repair the wall. Mayor Chirkun explained that since the request was denied it will go back to the Building Department. Mr. Sexton explained that the buffer wall is a requirement and must be maintained at all times.

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 REMOVE EXISTING MASONRY WALL AND INSTALL A 6´ WHITE VINYL PRIVACY FENCE ON THE PROPERTY AT 19150 TO 19400 12 MILE ROAD, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-16-126-001 TO 005 VAR. #0909

will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2200-2-b and 2200-3-a and will be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby denied.

MOTION CARRIED UNANIMOUSLY

III. NEW BUSINESS

- Public Hearing and Board consideration for variance to keep an eight (8) foot privacy fence on the property at 29891 Glenhurst, Mark R. Hamlin, petitioner.

Mark R. Hamlin, 29891 Glenhurst, explained the reason for his request and answered questions for the Board.

Board Member Bill Shoemaker asked Building Director Glenn Sexton if the Ordinance addresses lattice fencing in the middle of the yard between the pool and the back yard; Mr. Sexton replied that this would be considered a privacy screen and a different set of guidelines are applied to a privacy screen if it is at least three feet off of the property line. The maximum height for the privacy screen is limited to six feet.

Board Member Robert Taylor asked if the petitioner has had any problems with his neighbor and Mr. Hamlin has had no issues with his neighbors, his request is strictly for privacy purposes. Mr. Taylor asked Mr. Hamlin if the fence needs to be left up all year; Mr. Hamlin stated that he would put the fence up temporarily during the summer and remove it in the winter.

City Clerk Richard Steenland one letter with two signatures in opposition to this request submitted by the neighbor directly impacted by this request.

City Manager Stephen Truman explained that, after review of the ordinance, if the Board wished to approve this variance for privacy fence with a stipulation that the privacy screen in the sideyard be so many feet off of the property line. City Attorney Tim Tomlinson concurs with this statement.

Mayor John Chirkun asked if the stipulation may include a time limit for only the summer months; Mr. Tomlinson replied that the Board may place a time limit on the request.

Board Member Colleen McCartney asked if the screen is strictly for the pool; the petitioner replied that it is just for the pool.

Board Member Taylor asked if the pool may be moved within the yard; the pool may not be moved due to the guidelines that govern pools.

Mr. Tomlinson recommended that if a motion is made on this time the sideyard and the front gate should be separate issues.

Board Member Jan Haggerty asked how the privacy screen would be constructed; Mr. Hamlin stated that he would consult Mr. Sexton in that matter.

No one from the public wished to be heard.

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

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER FRANK MAISANO seconded 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 finding is based upon the fact that the installation of an eight (8) foot privacy fence would not be in harmony with the surrounding 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:

will not be in harmony with the general purpose and intent of Fence Ordinance No. 1173 Section 134-7A(3) and will be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby denied.

OPPOSED: Board Member Bill Shoemaker
MOTION CARRIED

IV. HEARING OF THE PUBLIC

No one from the public wished to be heard.

V. ADJOURNMENT

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER COLLEEN MCCARTNEY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:55 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk