ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, APRIL 21, 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
City Attorney	Tim Tomlinson

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 April 7, 2009.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER ROBERT TAYLOR seconded to approve minutes of the Regular meeting held April 7, 2009.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to have overhead doors on exterior building walls open during business hours on the property at 32500 Gratiot, Dooleys Tavern, Frank Sgroi, petitioner.

Laura Roar, 32500 Gratiot, appeared on behalf of the petitioner.

Ms. Roar explained the reasons for the request to keep the doors on the exterior open and answered questions for the Board.

City Clerk Richard Steenland received one letter of agreement between Frank Sgroi and Dominic Palazzolo.

The following individuals appeared during the hearing of the public:

Steven Grobbel, Attorney for Dominic Palazzolo, owner of Liberty Shopping Center, discussed the letter of agreement between Frank Sgroi and Dominic Palazzolo. Three stipulations were put forth in this agreement: Dooley's will not host any bikini contests, Dooley's will not host any swimwear/bikini car washes and Dooley's will not park their bus on Mr. Palazzolo's property. Mr. Grobbel asked that these three conditions be placed as stipulations on the variance.

City Attorney Tim Tomlinson stated that the agreement may be placed as stipulations on the variance request. Mr. Tomlinson explained that a recordable document should be prepared and filed with the Register of Deeds so that these conditions will stay with the property in the event of ownership changes.

Dominic Palazzolo discussed the issue of Dooley's hosting bikini contests and car washes.

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

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request for a variance to have overhead doors on exterior building walls open during business hours based upon the finding that a unique circumstance exists. Dooleys Tavern is located approximately 450' from the nearest residential property. The following stipulations are placed on this variance per the agreement between Frank Sgroi and Dominic Palazzolo dated April 7, 2009:

1. Dooley's agrees that it will not hold, present, sponsor or otherwise conduct bikini contests or like swimwear contests anywhere on the Dooley's premises either inside the building at 32500 Gratiot Avenue or the adjacent parking lot.

2. Dooley's agrees that it will not hold, present, sponsor or otherwise conduct bikini car washes or any car washes or other events featuring women in bathing suits or like apparel

in the parking lot belonging to Dooley's or in the parking spots at the Liberty Center utilized by Dooley's subject to a cross-parking easement.

3. Dooley's agrees that it will no longer park its bus on the Liberty Center parking lot.

4. This 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:

PERMISSION TO HAVE OVERHEAD DOORS ON EXTERIOR BUILDING WALLS OPEN DURING BUSINESS HOURS ON THE PROPERTY AT 32500 GRATIOT, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-276-025 VAR. #0409

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 1203-3 and will not 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

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER COLLEEN MCCARTNEY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:21 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk