ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, NOVEMBER 17, 2009
7 p.m.

ROLL CALL:

PRESENT:

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

ABSENT: Mayor John Chirkun (excused)

OTHERS PRESENT:

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

Mayor Pro Tem Robert Taylor called the meeting to order at 7 p.m. with the Pledge of Allegiance.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER JAN HAGGERTY seconded to excuse Mayor John Chirkun from the meeting this evening.
MOTION CARRIED UNANIMOUSLY

I. ROUTINE MATTERS

- Approval of minutes of Regular Meeting held October 6, 2009.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve minutes of the Regular Meeting held October 6, 2009.
MOTION CARRIED UNANIMOUSLY

Mayor Pro Tem Robert Taylor explained to the petitioners that five affirmative votes are required to approve an item and the board has only six members present. The Petitioners may chose to table their request to the next meeting so that a full Board may be present.

II. OLD BUSINESS

1. Public Hearing and Board consideration for variance to continue to utilize garage for a Home Occupation Business on the property at 19358 Masonic, Richard Wagner, petitioner.

Petitioner Richard Wagner, 19358 Masonic, appeared and answered the Board's questions.

City Clerk Richard Steenland received no correspondence on this item.

No one from the Public wished to be heard.

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

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request for a variance to continue to utilize garage for a home occupation business for a period of five years based upon the finding that an undue hardship exists being that the petitioner has operated at this location for 30 years without incident and the business is not disruptive to adjacent property owners. A unique circumstance also exists; being, the petitioner is located on a main street. The following stipulations were placed on this request:

1. Grinding and hammering may only take place Monday through Thursday between 9 a.m. and 3 p.m.
2. Approval is for the petitioner only and may not be carried on by any other family member or future residents.
3. All traffic must use front circle drive.
4. The petitioner must be an occupant of the home.

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 CONTINUE TO UTILIZE GARAGE FOR A HOME OCCUPATION ON THE PROPERTY AT 19358 MASONIC, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-326-006 VAR. #1309

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 402-13-a and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

III. NEW BUSINESS

1. Public Hearing and Board consideration for variance to keep a privacy fence installed less than 6´ from the point where the driveway crosses the sidewalk on the property located at 26500 Woodmont, Chadwick Conte, petitioner.

Petitioner Chadwick Conte, 26500 Woodmont, appeared to present his appeal to the Board and answered the Board's questions.

City Clerk Richard Steenland received no correspondence.

No one from the Public wished to be heard.

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

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER BILL SHOEMAKER seconded to approve the request for variance to keep a privacy fence installed less than 6´ from the point where the driveway crosses the sidewalk based upon the finding that a practical difficulty exists. Installing the privacy fence in compliance with the minimum ordinance requirements may result in difficulties in accessing the petitioner's rear yard.

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:

PERMANENT PARCEL NO. 14-19-208-011 VAR. #1709

will be in harmony with the general purpose and intent of Fence Ordinance No. 1066 Section 134-5-d 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 provide parking in required front yard setback on the property located at 26200 Hayes, Mark Marciniak, petitioner.

Petitioner Mark Marciniak, 26200 Hayes, appeared with his mother Barbara on behalf of this request and answered the Board's questions.

Building Director Glenn Sexton was present and answered the Board's questions about this request.

City Clerk Richard Steenland received no correspondence on this request.

Ronald Hofer, 26160 Hayes, spoke in favor of this request at the Public Hearing.

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

BOARD MEMBER BILL SHOEMAKER moved, BOARD MEMBER FRANK MAISANO seconded to approve the request for a variance to provide parking in the required front yard based upon the finding that two unique circumstances exist. There is no on-street parking available to accept the overflow parking from this residence and similar homes in the area have wide driveways with part of the driveway facing the house. The following stipulations were placed on the approval:

1. The petitioner must apply for and obtain all building permits.
2. The driveway, porch and sidewalk must be completed within eight (8) months.
3. The sidewalk must be brought up to code for a drivable surface.

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:

Permanent Parcel No. 14-19-151-019 var. #1809

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 2000-2 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 erect a 1200 square foot garage (30´ x 40´) having a height of 17´2" on the property located at 17905 Delaware, Dave Swafford, petitioner.

Dave Swafford, 17095 Delaware, appeared to present his request to the Board and answered the Board's questions. Mr. Swafford stated that since he applied for this variance he has decided to keep the existing garage in addition to the proposed garage.

Building Director Glenn Sexton stated that the petitioner should file for a new variance to reflect the request to keep the existing garage in addition to the proposed garage.

City Manager Stephen Truman stated that the request may not be amended this evening because notice was not provided to the public of Mr. Swafford's intent to have two garages on the property.

City Attorney Tim Tomlinson stated that the petitioner should reapply for a new variance to include the construction of the new garage plus maintaining the existing garage.

Mike Markey, 8520 Yale, Oak Park, is the builder on this project and he asked Mr. Sexton what steps the petitioner will have to take if a breezeway is constructed between the existing garage and the dwelling. Mr. Sexton replied that the existing dwelling, the proposed breezeway and the existing garage will have to meet the required setbacks in order for a detached garage to be constructed; two variances are also required.

The Board discussed this request with Mr. Tomlinson, Mr. Sexton and Mr. Truman.

City Clerk Richard Steenland received one petition with 27 signatures in favor of this request.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER BILL SHOEMAKER seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JAN HAGGERTY seconded to approve the variance request to construct 1200 square foot garage (30´ x 40´) having a height of 17´2" on the property at 17905 Delaware. If a variance is required to keep the existing garage as a result of construction of a breezeway, the petitioner must apply for the variance prior to the next Zoning Board of Appeals Meeting of December. The finding is based upon the fact that a unique circumstance exists; the petitioner's lot is sufficient size (19,500 square feet) to accommodate a 1200 square foot garage.

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 1200 SQUARE FOOT GARAGE (30´ X 40´) HAVING A HEIGHT OF 17´2" ON THE PROPERTY AT 17905 DELAWARE, ROSEVILLE, MICHIGAN, 48066

PERMANENT PARCEL NO. 14-08-453-025 VAR. #1909

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 2303-1 (c) and (g) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

IV. HEARING OF THE PUBLIC

No one from the public wished to be heard.

V. ADJOURNMENT

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:07 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk