ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS 29777 GRATIOT AVENUE ROSEVILLE, MI 48066

Tuesday, September 20, 2016

6:30 p.m.

ROLL CALL:

PRESENT: Mayor Robert Taylor

Mayor Pro Tem Jan Haggerty

BOARD MEMBERS: Charles Frontera

Catherine Haugh Colleen McCartney Bill Shoemaker Steve Wietecha

ABSENT: BOARD MEMBER: None

OTHERS PRESENT:

City Clerk Richard M. Steenland

City Attorney Tim Tomlinson Assistant Building Director Jim Osterhout Mayor Robert Taylor called the meeting to order at 6:30 p.m.

I. ROUTINE MATTERS

1. Approval of minutes of meeting held August 16, 2016.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER CHARLES FRONTERA seconded to approve minutes of meeting held August 16, 2016.

MOTION CARRIED UNANIMOUSLY

II. OLD BUSINESS

 Public Hearing and Board Consideration for variance to widen driveway to allow vehicle parking within the front yard area on the property located at 29279 Utica, Daniel & Elsie Martinez, petitioners.

Daniel Martinez Jr, 23 Dickenson St, Mt. Clemens, petitioner son appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

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

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER STEVE WIETECHA moved, MAYOR PRO TEM JAN HAGGERTY seconded to approve the petitioner request for a variance based upon a unique circumstance that the traffic volume and speeds along Utica Road makes a for a difficult and dangerous situation when moving multiple vehicles off of this property.

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:

WIDEN DRIVEWAY TO ALLOW VEHICLE PARKING WITHIN THE FRONT YARD AREA OF THE PROPERTY AT 29279 UTICA, ROSEVILLE MI 48066.

PERMANENT PARCEL NO. 14-08-451-005

VAR. #2415

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 section 370-75b will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

III. NEW BUSINESS

1. <u>Public Hearing and Board Consideration for variance to construct an addition to a detached garage with overall height of 20' on property located at 30943 Tennessee, Theresa Roberts, petitioner.</u>

Theresa Roberts, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received one letter in favor of this request.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER CATHERINE HAUGH seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER BILL SHOEMAKER moved, BOARD MEMBER CATHERINE HAUGH seconded to approve the petitioner request for a variance based upon a practical difficulty exists, being the allowable height of 15 feet is not tall enough to allow for storage of the petitioners vehicles with the following conditions:

Garage may not be utilized for living space or used for a home occupation.

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 AN ADDITION TO GARAGE TO EXCEED 15' IN HEIGHT ON THE PROPERTY AT 30943 TENNESSEE, ROSEVILLE, MI 48066.

PERMANENT PARCEL NO. 14-109-101-008

VAR. #2516

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 370-100(7) will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

2. <u>Public Hearing and Board Consideration for variance to install a residential fence higher than 4'</u> on the property located at 30306 Hayes, Thomas Kortis, petitioner.

Thomas Kortis, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

BOARD MEMBER CATHERINE HAUGH moved, BOARD MEMBER STEVE WIETECHA seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

MAYOR PRO TEM JAN HAGGERTY moved, BOARD MEMBER STEVE WIETECHA seconded to approve the petitioner request for a variance based upon the finding that a unique circumstance exists, being that the 4' fence would not necessarily contain the animal that 6' fence would with the following stipulation:

Fence contain two laches one on top and one in the middle.

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:

INSTALL A RESIDENTIAL FENCE HIGHER THAN 4' ON THE PROPERTY AT 30306 HAYES, ROSEVILLE MI 48066.

PERMANENT PARCEL NO. 14-07-151-004

VAR. #2616

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 134-5E will be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

3. <u>Public Hearing and Board Consideration for renewal of variance to keep a commercial vehicle on residentially zoned property located 27721 Tighe, Michael E. White (Sparks & Sommers Disposal), petitioner.</u>

Michael E. White, petitioner appeared on behalf of this request.

City Clerk Richard M. Steenland received seven letters in favor of this request.

The following individual spoke:

• Susan Shaw, 18891 Meier, had no objection to this request.

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

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER CATHERINE HAUGH moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner request for a variance based upon the finding that requiring the petitioner to store the vehicle elsewhere would reduce his ability to respond to emergency jobs with the following stipulation:

Grant variance for one year and limited to this vehicle only.

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:

VARIANCE FOR PERMISSION TO PARK A COMMERCIAL VEHICLE ON RESIDENTIALLY ZONED PROPERTY AT 27721 TIGHE ROSEVILLE MI 48066.

PERMANENT PARCEL NO. 14-16-303-034

VAR. #2716

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2304 (11) 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 a variance to construct an addition to a detached garage with 2' rear yard setback on the property located at 28170 Asmus, Michael Rivard, petitioner.

Michael Rivard, petitioners appear on behalf of this request.

City Clerk Richard M. Steenland received no correspondences.

The following individual wished to be heard:

• Valerie Roulston, 28169 O'Neil, is in favor of this request.

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

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER BILL SHOEMAKER moved, to approve the petitioner request for a variance based upon the petitioner was unware the required set back prior to constructing the garage with the following stipulations:

- All permits and requirements have to be satisfied.
- Obtain hold harmless agreement from DTE.
- Everything is constructed to current code.

MOTION DIED FOR LACK OF SUPPORT

MAYOR PRO TEM JAN HAGGERTY moved, BOARD MEMBER BILL SHOEMAKER seconded to table the petitioners requested for a variance until all permits and requirements are satisfied and a hold harmless letter from DTE.

ROLL CALL VOTE

COUNCILWOMAN COLLEEN MCCARTNEY	NO
COUNCILWOMAN CATHERINE HAUGH	NO
MAYOR PRO TEM JAN HAGGERTY	YES
MAYOR ROBERT TAYLOR	NO
COUNCILMAN BILL SHOEMAKER	YES
COUNCILMAN STEVEN WIETECHA	NO
COUNCILMAN CHARLES FRONTERA	YES

MOTION DENIED

MAYOR ROBERT TAYLOR moved, BOARD MEMBER STEVEN WIETECHA seconded to deny the petitioners request for a variance based upon finding an undue hardship that may exist was self-created by the petitioner failure to obtain the required approvals prior to constructing the addition.

MOTION CARRIED UNANIMOUSLY

III. HEARING OF THE PUBLIC

No one from the public wished to be heard.

IV. <u>ADJOURNMENT</u>

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER CHARLES FRONTERA seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:09 p.m.

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Richard M. Steenland, City Clerk