SPECIAL MEETING
ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, OCTOBER 28, 2008
7 p.m.

ROLL CALL:

PRESENT:	Mayor	Harold Haugh
	Board Members	Salvatore Aiuto John Chirkun Colleen McCartney Bill Shoemaker Robert Taylor
ABSENT:		Jan Haggerty (excused)

OTHERS PRESENT:

City Manager	Stephen Truman
City Clerk	Richard Steenland
City Attorney	Tim Tomlinson

Mayor Harold Haugh called the meeting to order at 7 p.m. with the Pledge of Allegiance.

Mayor Harold Haugh stated that Board Member Salvatore Aiuto is on his way to the meeting and will arrive late.

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

I. ROUTINE MATTERS

- Approval of minutes of meeting held October 21, 2008.

  Minutes will be approved at the Regular Meeting on November 18, 2008.

II. OLD BUSINESS

1. Public Hearing and Board consideration for variance to install a privacy fence in the (east) side yard on the property at 17930 12 Mile Road, Michael and Beverly Alford, petitioners.

   Michael Alford, 17930 12 Mile Road, appeared on behalf of this request and stated that he and his neighbor have not come to an agreement on this matter.

   City Clerk Richard Steenland received no new correspondence on this request.

   Kathleen Berlin, 17940 12 Mile, stated that she spoke with her family and they still want the new fence to match the existing fence.

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

Mayor Harold Haugh explained to the petitioner that five votes are required to act on any request and the Board has only five members present; Mr. Alford chose to proceed with his request.

Board Member John Chirkun asked City Attorney Tim Tomlinson if the Board may place stipulations on this request pertaining to the type of fence that may be erected. Mr. Tomlinson replied that the Board has the authority; especially when the Board looks at the harmonious factor of granting a variance.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to deny the petitioner's request for variance to install a privacy fence in the (east) side yard on the property at 17930 12 Mile Road 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 hardship is self created by the petitioner's desire to install a privacy fence in the side yard.

Mayor Harold Haugh stated that the Board may approve the request with the stipulation that the petitioner comply with the neighboring property owner's request that the new fence be the same as the existing fence on the neighboring property. This will allow the petitioner the option to work an agreement out with his neighbor and install a new fence.

BOARD MEMBER ROBERT TAYLOR and BOARD MEMBER COLLEEN MCCARTNEY withdrew their motion to deny the petitioner's request for a variance to install a privacy fence in the (east) side yard on the property at 17930 12 Mile Road.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request to install a privacy fence in the (east) sideyard on the property at 17930 12 Mile Road due to the fact that the neighbors cannot come to a mutual agreement. Upon mutual agreement and the installation of the exact matching fence, the installation of the privacy fence will provide increased safety for the petitioner's child and pets given that the property is on a very busy road and abuts a commercial property. The following stipulation was placed on the approval:

The petitioner and the neighbor work together to agree on the type of fence installed.

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 INSTALL A PRIVACY FENCE IN THE (EAST) SIDE YARD ON THE PROPERTY AT 17930 12 MILE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-206-003 VAR. #4908

will be in harmony with the general purpose and intent of Fence Ordinance 1173 Section 134-7 (a) and (d) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to extend the roof on the south side of the home to a height of 28´ on the property at 16246 Frazho, Mullane Construction, Louis Jones, representative.

Louis Jones, 19867 Parkside, St. Clair Shores, appeared on behalf of this request.

City Clerk Richard Steenland received three letters in opposition to this request.

No one from the public wished to be heard.

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

Board Member Salvatore Aiuto arrived to the meeting at 6:14 p.m.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER BILL SHOEMAKER seconded to approve the petitioner's request to extend the roof on the south side of the home to a height of 28´ based upon the finding that a unique circumstance exists. The new roof will greatly reduce the likelihood of a leakage as compared to the existing low slope roof.

The following stipulation is placed on the approval:

Gutters must be installed on the new roof.

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 EXTEND THE ROOF ON THE SOUTH SIDE OF THE HOME TO A HEIGHT OF 28´ ON THE PROPERTY AT 16246 FRAZHO, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-19-401-015 VAR. #5108

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 1800 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to keep a privacy fence next to an existing cyclone fence in the side yard on the property at 27304 Maple, Jeff Gertcher, petitioner.

Jeff Gertcher & Maryann Gertcher, 27304 Maple, appeared on behalf of this request.

Mr. Gertcher wished to proceed with this request.

City Clerk Richard Steenland received no correspondence on this request.

Jody Straubel & Stacey Straubel, 27284 Maple, stated that he will agree to this request if Mr. Gertcher will go the whole length of the fence with a shadow box fence.

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

Mr. Gertcher stated that he is aware that the current fence is illegal; however, he would like to keep the existing fence in place.

Board Member John Chirkun asked the petitioners if they will add onto the fence; the petitioners wish to keep the existing fence. Mr. Chirkun asked City Attorney Tim Tomlinson if the Board may place a stipulation on the request that the petitioners must obtain the proper permits for this type of fence. Mr. Tomlinson responded that the Board may do so.

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

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request for a variance to keep a privacy fence next to existing cyclone fence in the side yard. The finding is based upon the fact that a unique circumstance exists. The installation of the privacy fence will not negatively impact the adjacent property owner.

The following stipulation was placed on the approval:

The petitioner must obtain proper permits and re-inspection to make the fence legal.

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 KEEP A PRIVACY FENCE NEXT TO AN EXISTING CYCLONE FENCE IN THE SIDE YARD ON THE PROPERTY AT 27304 MAPLE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-377-019 VAR. #5208

will be in harmony with the general purpose and intent of Fence Ordinance 1173 Section 137-7 (a) and (d) and will not 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 variance to continue to park a commercial vehicle (2007 Dodge Sprinter with high top) on residentially zoned property at 17786 Common, Adrian Lazri, petitioner.

Adrian Lazri, 17786 Common, appeared on behalf of this request.

City Clerk Richard Steenland received no correspondence on this request.

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

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER SALVATORE AIUTO seconded to approve the petitioner's request to park a commercial vehicle (2007 Dodge Sprinter with High Top) on residentially zoned property. The finding is based upon the fact that an undue hardship exists; the petitioner is self-employed and this is his work vehicle. The following stipulations were placed on this request:

1. The Sprinter Van must be parked as far back as possible on the property.
2. The variance applies to this vehicle only.
3. If the City receives any complaints about this vehicle this item will be brought back before the Zoning Board of Appeals.

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 CONTINUE TO PARK A COMMERCIAL VEHICLE (2007 DODGE SPRINTER WITH HIGH TOP) ON RESIDENTIALLY ZONED PROPERTY AT 17786 COMMON, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-08-401-045 VAR. #5308

will be in harmony with the general purpose and intent of Zoning Ordinance 1202 Section 2304 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 JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded that the agenda having been acted upon, the meeting is hereby adjourned at 6:29 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
Richard M. Steenland, City Clerk

Please Note: A cassette tape of this meeting is on file with the City Clerk's Office for further information