ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, JUNE 3, 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 Attorney	Tim Tomlinson
	City Clerk	Richard Steenland

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

Mayor Pro Tem Chirkun stated that Mayor Harold Haugh will be late arriving to the meeting this evening.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to excuse absent Board Member Jan Haggerty.
MOTION CARRIED UNANIMOUSLY

Mayor Pro Tem John Chirkun explained to the petitioners that due to the absence of Board Member Haggerty the Board does not have a full seven members; therefore, the petitioners may have their requests tabled if they so choose.

City Attorney Tim Tomlinson explained that the board must have five affirmative votes to grant a variance and due to the fact that only six members are present the petitioners have the choice to table their request so that seven Board Members will be present.

I. ROUTINE MATTERS

- Approval of minutes of meeting held May 20 2008.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to approve minutes of the meeting held May 20, 2008.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to keep a commercial vehicle (tow truck) on the property at 18245 E. 11 Mile Road, Richard Schoenrock, petitioner.

Gretchen Schoenrock, 18245 E. 11 Mile, appeared and proceeded with her request.

City Clerk Richard Steenland received one letter in favor and one letter in opposition to this request.

Mrs. Schoenrock answered several questions about this request for the Board.

Dennis Muczynski, 18275 Blue Island Ct., spoke in opposition to this request.

Dean Muczynski, 18584 Blue Island Ct., spoke in opposition to this request.

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

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER ROBERT TAYLOR seconded to adopt the resolution to deny the petitioner's request to keep a commercial vehicle (tow truck) on the property 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 this use is better suited for commercially zoned property. The following stipulation was placed on the denial:

The petitioner is allowed 30 days to remove the truck from the 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:

PERMISSION TO KEEP A COMMERCIAL VEHICLE (TOW TRUCK) ON THE PROPERTY AT 18245 E 11 MILE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-478-070 VAR. #2208

will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2304-11 and will be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby denied.
MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to have 250 square feet of wall signage on the property at 29207 Gratiot, Hot Hits, Sam Awada, petitioner.

Gino Awada, 8535 Gary St., Dearborn, MI, appeared on behalf of this request and proceeded with the request.

Mr. Awada answered questions for the Board and presented color photos of the proposed signs to the Board.

City Attorney Tim Tomlinson advised the Board that in the event that this item is approved, the photos should be made part of the record so that the signs are not changed in the future from what was presented to the Board at this meeting.

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

No one from the public wished to be heard.

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

(Mayor Harold Haugh arrived to the meeting at 7:25 p.m.)

BOARD MEMBER ROBERT TAYLOR moved BOARD MEMBER COLLEEN MCCARTNEY seconded to deny the petitioner's request for a variance to have 250 square feet of wall signage 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 100 square feet more signage than allowed by the ordinance.

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 250 SQUARE FEET OF WALL SIGNAGE ON THE PROPERTY AT 29207 GRATIOT, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-09-352-006 VAR. #2308

will not be in harmony with Sign Ordinance No. 1064 Section 264-5-B(4)(b) and will be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby denied.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to keep concrete installed in the front yard on the property at 27376 Pinehurst, Louis Bommarito, petitioner.

Louis Bommarito, 16545 Dort, appeared with his tenant, Alfredo Lentini, of 27376 Pinehurst. Mr. Bommarito explained to the Board that he installed the concrete due to the fact that Mr. Lentini's daughter has a disability.

Mr. Lentini answered questions for the Board.

City Clerk Richard Steenland received one petition with three signatures 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 JOHN CHIRKUN moved, BOARD MEMBER SALVATORE AIUTO seconded to table this request to the June 17, 2008 meeting so that the petitioner may obtain a petition from two neighbors to the north of this property and two neighbors to the south of this property.
MOTION CARRIED UNANIMOUSLY

4. Public Hearing and Board consideration for variance to construct a second floor having a height of 23' on the existing non-conforming accessory structure on the property at 26244 Belleair, Rob Marshall and Bill Carroll, petitioners.

William Carroll, General Contractor, 288 Stratford Lane, Lake Orion, MI appeared and explained the reasons for this request to the Board.

City Clerk Richard Steenland received no correspondence on this request.

No one from the public wished to be heard.

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

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER BILL SHOEMAKER seconded to adopt the resolution to approve the petitioner's request to construct a second floor having a height of 23´ on the existing non-conforming accessory structure. The finding is based upon the fact that a unique circumstance exists; the house does not have a basement for storage of personal items. The following stipulation was placed on this request:

The City Attorney shall prepare and file with the Macomb County Register of Deeds a document stating that the approved addition cannot be used as living space.

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 CONSTRUCT A SECOND FLOOR HAVING A HEIGHT OF 23´ ON THE EXISTING NON-CONFORMING ACCESSORY STRUCTURE ON THE PROPERTY AT 26244 BELLEAIR, ROSEVILLE, MICHIGAN 48066.

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Sections 2302 (1) (g) and 2302(4) (a) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is herby granted.
MOTION CARRIED UNANIMOUSLY

5. Public Hearing and Board consideration for variance to establish a tattoo parlor within 300 feet of a residential zoning district on the property at 29323 Gratiot, Inkslingers USA, Michael E. Jeziak, petitioner.

Michael Jeziak, 29323 Gratiot, requested that this item be tabled.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded to table the petitioner's request for consideration for variance to establish a tattoo parlor within 300 feet of a residential zoning district on the property at 29323 Gratiot, Inkslingers USA, to the June 17, 2008 meeting.
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 ROBERT TAYLOR seconded, that the agenda having been acted upon, the meeting is hereby adjourned at 7:43 p.m.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,
RICHARD M. STEENLAND, City Clerk

PLEASE NOTE: A cassette tape of this meeting is on file in the City Clerk's Office for further information