ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, OCTOBER 7, 2008
7 p.m.

ROLL CALL:

PRESENT:	Mayor	Harold Haugh
	Board Members	Salvatore Aiuto John Chirkun Jan Haggerty Colleen McCartney Bill Shoemaker Robert Taylor
ABSENT:		None
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.

I. ROUTINE MATTERS

- Approval of minutes of meeting held September 16, 2008.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER ROBERT TAYLOR seconded to approve minutes of the meeting held September 16, 2008.
MOTION CARRIED UNANIMOUSLY

II. OLD BUSINESS

1. Public Hearing and Board consideration for variance to erect a 960 square foot garage having a height of 18' 6" on the property at 19325 Brandt, Ronald Rodgers, petitioner.

Mayor Harold Haugh explained that this item was tabled at the last Zoning Board of Appeals Meeting.

Ronald & Christine Rodgers, 19325 Brandt, appeared on behalf of this request.

Mayor Haugh asked the petitioners if they agree with the Board adding a stipulation to this request that no business be conducted out of the garage. Both petitioners agreed with the stipulation.

Board Member Colleen McCartney asked the petitioners what the 8x10 structure is attached to the back of the garage. Mrs. Rodgers replied that the 8x10 structure is an attached shed to house the lawn equipment so it will be separate from the classic cars.

Mayor Haugh asked Mr. and Mrs. Rodgers if they intend to move all of the items that are currently stored in their back yard into the new garage. This is the intent of the petitioners.

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

No one from the public wished to be heard.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER JAN HAGGERTY seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

Board Member John Chirkun asked City Manager Stephen Truman if there were any Building Department violations on this property pertaining to the operation of a repair shop. Mr. Truman replied that there were no issues on this property pertaining to the operation of a repair shop.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER JAN HAGGERTY seconded to grant the petitioner's request to erect a 960 square-foot garage having a height of 18´ 6" based upon the finding that a unique circumstance exists. The proposed garage will be lower in height than the garage it will replace and the petitioner's lot is of sufficient size to accommodate the proposed structure.

The following stipulation is placed on the approval:

No business may be conducted out of the 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:

PERMISSION TO ERECT A 960 SQUARE-FOOT GARAGE HAVING A HEIGHT OF 18´ 6" ON THE PROPERTY AT 19325 BRANDT, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-176-046 VAR. #4508

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, therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

IV. NEW BUSINESS

1. Public Hearing and Board consideration for variance to keep a commercial vehicle (1500 white van) in the driveway on the property at 26844 Belleair, Quality Comfort Heating and Cooling, Michael Giordano, petitioner.

   Michael Giordano, 26844 Belleair, appeared on behalf of this request and answered several questions for the Board.

   City Manager Stephen Truman explained that the Michigan Department of Transportation issued a letter to Mr. Giordano and the Building Department pertaining to the right-of-way on 11 Mile Road at this property.

   Board Member John Chirkun asked Mr. Truman what the outcomes were of the Code violations issued to this property. Mr. Truman was not sure of the outcomes of the violations. Mr. Girodano explained that he complied with all of the violations issued.

   City Clerk Richard Steenland received no correspondence on this request.

   No one from the public wished to be heard.

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

Mayor Harold Haugh clarified with the petitioner that he no longer has four vehicles, he is no longer parking on an unapproved surface and the commercial dumpster is gone from the property. Mr. Giordano stated that those statements are correct.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to deny the petitioner's request to keep a commercial vehicle (1500 White Van) in the driveway 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 petitioner's hardship is self created by his operation of a business from residential 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 (1500 WHITE VAN) IN THE DRIVEWAY ON THE PROPERTY AT 26844 BELLEAIR, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-21-103-066 VAR. #4808

will not be in harmony with the general purpose and intent of Ordinance No. 1202 Section 304-11 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 install a privacy fence in the (east) side yard on the property at 17930 12 Mile Road, Michael and Beverly Alford, petitioners.

Michael and Beverly Alford, 17930 12 Mile Road, appeared and explained this request to the Board and answered questions for the Board.

Board Member Colleen McCartney asked Mr. Alford why one neighbor is opposed to this request. Mr. Alford was not sure why the neighbor is opposed to this request.

City Clerk Richard Steenland received no correspondence on this request.

Cathleen Berlin, 17940 12 Mile Road, explained that the home was quit-claim deeded to herself and five of her siblings; three of her siblings requested a diagram of the proposed fence and the petitioner has not returned a copy to her.

City Attorney Tim Tomlinson explained that the waiver does have to be signed by all property owners; therefore, all six individuals will have to sign a waiver.

Mrs. Berlin explained that three of the siblings were wiling to sign a waiver; three refused to sign until they saw a diagram from the petitioner.

Mr. Tomlinson explained that the two issues before the Board are waiver requirement and the side-yard setback.

Mayor Haugh asked the petitioners to meet with Ms. Berlin so that a resolution may be reached.

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

Mayor Haugh asked the petitioners to meet with Ms. Berlin so that a resolution may be reached.

Mr. Alford was concerned with the fact that his neighbor may want a different type of fence than he wishes to install.

Mr. Truman stated that a representative from the City should meet with both homeowners at the house and then come back to the Board to explain the agreement. If no agreement is reached, then the Board may make a decision.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded to table the request for consideration for variance to install a privacy fence in the (east) side yard on the property at 17930 12 Mile Road until the next Regular Zoning Board of Appeals Meeting.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to keep a travel trailer in the driveway in the side yard from October through April each year on the property at 25925 Arlington, Randy and June Bromley, petitioners.

Randy and June Bromley, 25925 Arlington, appeared on behalf of this request.

City Clerk Richard Steenland received six letters on this request; five letters were in opposition to this request and one did not state whether the homeowner was in favor or against this request.

The petitioners provided the Board with two letters in favor of this request.

The following individuals spoke during the public hearing:

Florence Scott, 25935 Arlington, is opposed to this request.

Margaret Sieradzki, 25944 Arlington, is opposed to this request.

Edward Sieradzki, 25944 Arlington, is opposed to this request.

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

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER ROBERT TAYLOR seconded to deny the petitioner's request for a variance to keep a travel trailer in the driveway in the side yard from October through April each year 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 storage of a 30´ trailer will not be in harmony with the surrounding properties.

The following stipulation was placed on the denial:

The petitioner is allowed 90 days to remove the trailer 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 TRAVEL TRAILER IN THE DRIVEWAY IN THE SIDE YARD FROM OCTOBER THROUGH APRIL EACH YEAR ON THE PROPERTY AT 25925 ARLINGTON, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-21-327-029 VAR. #5008

will not be in harmony with the general purpose and intent of Ordinance No. 1202 Section 2304-6 and will be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby denied.
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 7:38 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