ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, SEPTEMBER 16, 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 2, 2008.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve minutes of the meeting held September 2, 2008.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to erect a temporary structure for use as a Haunted House attraction on the property at 32233 Gratiot Avenue, A&M Building Company, petitioner, Anthony Amore, Representative.

   Anthony Amore, 20541 14 Mile, Clinton Twp, appeared on behalf of this request. Mr. Amore explained that his haunted house has been in business for over 20 years and he has owned this attraction for the last four years.

   City Clerk Richard Steenland received no correspondence on this request.

   No one from the public wished to be heard.

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

Board Member John Chirkun asked Mr. Amore if he has an agreement with Macomb Mall to operate this haunted house. Mr. Amore responded that an agreement is ready to be executed once approval is gained from the Board.

City Attorney Tm Tomlinson asked Mr. Amore what type of security or crowd control measures will be utilized at this house. Mr. Amore responded that he has a minimum of three persons on Thursdays & Sundays for security and on Friday and Saturday there are at least five security persons on site. Security personnel are not armed; however, they are there to control the crowd. Macomb Mall also has security patrolling the parking lot.

Board Member Robert Taylor asked City Manager Stephen Truman if there have been issues with Police response to this haunted house. Mr. Truman responded that to the best of his knowledge there were not any issues with the attraction on this site.

Board Member Colleen McCartney asked Mr. Truman if the Police Department will be aware of this attraction. Mr. Truman responded that the Police Department will be made aware of this attraction.

Board Member Chirkun asked Mr. Tomlinson if the Board may include a stipulation in the motion that will allow the Police Department to shut the attraction down if there are any issues at the haunted house. Mr. Tomlinson stated that the Board may do so. Mr. Amore had no objections to this request.

Board Member Jan Haggerty asked Mr. Amore if there is an age restriction on the haunted house. Mr. Amore responded that no mandatory age restrictions are in place; however, no one under the age of 13 is allowed in the premises without a parent present.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER SALVATORE AIUTO seconded to approve the petitioner's request for a variance to erect a temporary structure for use as a haunted house attraction based upon the finding that a unique circumstance exists. While not expressly permitted, the

temporary use of the premises as a haunted house attraction is compatible with permitted uses of the adjacent properties and will not adversely affect the stability and integrity of the Zoning Plan or otherwise interfere with the protection of public health, safety and general welfare or will not be incompatible with or otherwise adversely affect the physical character of the community. The following stipulations are placed on the approval:

1. The haunted house may be in operation for a period of 20 days. The last day of operation is November 1 and breakdown and clean up must be completed by November 21.
2. The hours of operation are 7 p.m. to 11 p.m. Thursday & Sunday, 7 p.m. to 1 a.m. on Friday and Saturday.
3. The Police Department may shut down the haunted house if the Police Department has to respond to the haunted house.

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 TEMPORARY STRUCTURE FOR USE AS A HAUNTED HOUSE ATTRACTION ON THE PROPERTY AT 32233 GRATIOT AVENUE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-251-005 VAR. #4408

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 1101 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 erect a 960 square foot garage having a height of 18´6" on the property at 19325 Brandt, Ronald Rodgers, petitioner.

Ronald & Christine Rodgers, 19325 Brandt, appeared on behalf of this request and presented a letter in favor of this request with four signatures to the Board .

Board Member Robert Taylor asked Mr. and Mrs. Rodgers if they operate a business out of this garage. Mrs. Rodgers responded that they use the garage for storage because they do not have a basement. Board Member Taylor asked Mrs. Rodgers if a business has ever been operated out of this garage. Mrs. Rodgers responded no, a business has never been operated out of this garage.

City Clerk Richard Steenland received 15 letters in opposition to this request.

James Goldwater, 19346 Brandt, lives across the street from this residence and is opposed to this request.

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

Mrs. Rodgers addressed issues raised by Mr. Goldwater during the Public Hearing and stated that she and her husband are not running a business out of their garage.

Board Member John Chirkun asked City Manager Stephen Truman if he is aware of any complaints about a business being run out of the garage on this property. The only complaint Mr. Truman was

aware of was an issue with the gravel driveway on this property. The driveway was found to be in compliance and considered to be "grandfathered" in. During his time as Building Director, Mr. Truman does not recall receiving any complaints about a repair business being operated out of the garage on this property.

Board Member Chirkun asked City Clerk Steenland if the letters in opposition to this request were mailed to the City. Mr. Steenland responded that the Building Department provided the letters to the Clerk's Office. Mr. Truman stated that the ten letters were presented to him at last week's meeting and he forwarded them to the Building Department to be stamped in and three were received this evening.

Mr. Steenland stated that 9 of the 15 letters received were within the 300 ft radius of this parcel.

Board Member Bill Shoemaker asked the petitioners if the roof in the front will be pitched. Mr. and Mrs. Rodgers responded that the roof will match the house and will be lower than the existing garage.

Board Member Shoemaker asked if the second floor of the garage will be used for storage. The petitioners responded yes, the second floor will be used for storage.

Board Member Robert Taylor stated that there are a few letters form the same address in opposition to this request and a few of the opposition letters are from residents outside of the 300 ft radius.

Mayor Harold Haugh read the letter of opposition into record:

"I am opposed to the variance at 19325 Brant Street. It is my belief that the petitioner for this variance is already operating a small engine repair shop out of his current garage. I also believe the petitioner runs an auto repair business out of his garage. The only reason I can see for the Roger's family to seek a variance to this ordinance is to expand their business which is in a residential neighborhood. They currently park their cars on the grass alongside of their home or on the gravel driveway they installed on the side of their current driveway to make room for their customers inside their garage. I don't believe this type of business should be operating in a residential neighborhood, and I believe by granting them this variance it would only encourage the Rodgers expand their business and would also set a bad precedence for others to do the same. The petitioner is already violating several of the city codes, by parking on their grass and running a business out of their home. Please don't encourage these type of things to continue in our residential neighborhood, please deny this request."

Mrs. Rodgers asked Mayor Haugh if all 15 letters stated the same as he read into record. Mayor Haugh responded that yes all 15 letters stated the same thing.

Board Member Jan Haggerty asked City Clerk Steenland if Voiland street is in the 300 ft radius of this parcel. Mr. Steenland responded no and explained that he received a total of 15 letters. Two came from the same household, three more came from the same household at a different address and six letters were outside of the 300 ft radius. After subtracting these letters, six letters were in opposition to this request.

Board Member Taylor asked Mr. Steenland if the letters of opposition were the same letter that the Mayor read into the record. Mr. Steenland responded that all of the letters were the same; however, different individuals signed the letters.

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER BILL SHOEMAKER seconded to table this request until the next Zoning Board of Appeals.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to allow automatic change-of-message sign with cycle time of less then 30 seconds on the property at 30845 Groesbeck, Dale's Landscaping Supply, Inc, Dale Moase, petitioners.

Dale Moasae, 16720 13 Mile, appeared on behalf of this request and explained the reason for the variance to the Board and stated that he is making the same request as Great Lakes Recycling did in the past.

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 COLLEEN MCCARTNEY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to approve the petitioner's request for a variance to allow automatic change-of-message sign with cycle time of less than 30 seconds based upon the finding that a unique circumstance exists. The 50 MPH speed limit does not allow the petitioner to adequately display messages on this type of sign at 30 second restriction.

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 ALLOW AUTOMATIC CHANGE-OF-MESSAGE SIGN WITH CYCLE TIME OF LESS THAN 30 SECONDS ON THE PROPERTY AT 30845 GROESBECK, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-07-227-001 VAR. #4608

will be in harmony with the general purpose and intent of Sign Ordinance No. 1064 Section 264-9(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 erect an addition to the existing garage resulting in a total size of 924 square feet of the property at 30281 Bluehill, Michael J. White, petitioner.

Michael White, 30281 Bluehill, appeared on behalf of this request. Mr. White stated that he has a few old cars he would like to store in the new garage.

Mayor Harold Haugh asked Mr. White if he operates a business or repairs vehicles out of his garage. Mr. White responded no, he only works on his cars which he has owned for 15-20 years.

Board Member Robert Taylor asked Mr. White what the garage next door to him looks like. Mr. White responded that the neighboring garage is a standard 2 ½ car garage.

Board Member Jan Haggerty commented that the Board has no correspondence from Mr. White's neighbors either for or against this request and asked Mr. White if his neighbors are in agreement

with this request. Mr. White stated that he has spoke to three or four neighbors around him and they did not tell him that they were opposed to this request. Mrs. Haggerty asked Mr. White how close the addition will be to the house. Mr. White responded that the house will be five or six feet further away from his house than his neighbor's house.

Board Member Colleen McCartney asked Mr. White where his cars are currently stored. Two cars are in the garage and two are stored outside of the garage.

Board Member John Chirkun asked Mr. White if any of his vehicles will be unlicensed or inoperable in the driveway. Mr. White stated that none of his cars will be in the driveway if he builds this garage.

City Clerk Richard Steenland received no correspondence on this request.

Board Member Salvatore Aiuto asked Mr. White if he is able to maneuver his vehicles into the garage. Mr. White responded that the new garage will allow the cars to be parked two deep in the garage.

No one from the public wished to be heard.

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

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER JAN HAGGERTY seconded to approve the petitioner's request for a variance to erect an addition to the existing garage resulting in a total size of 924 square feet. The finding is based upon the fact that a unique circumstance exists. The petitioner's 6,150 square foot lot is of sufficient size to accommodate a 924 square foot garage. The following stipulation was placed on this request:

- The garage is not to be used as a commercial repair business.

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 AN ADDITION TO THE EXISTING GARAGE RESULTING IN A TOTAL SIZE OF 924 SQUARE FEET.

PERMANENT PARCEL NO. 14-07-127-045 VAR #4708

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2303-1 (c) 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

James Goldwater, 19346 Brandt, discussed agenda item #2 under New Business.

IV. ADJOURNMENT

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER JAN HAGGERTY seconded that the agenda having been acted upon, the meeting is hereby adjourned at 7:40 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