ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, JANUARY 15, 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
	Director of Building And Inspection	Glenn Sexton
	Recording Secretary	Joyce Martinez

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

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

Mayor Harold Haugh explained to the petitioners that they may have their item tabled to the next meeting if they choose as the Board is one member short this evening.

I. ROUTINE MATTERS

- Approval of minutes of meeting held December 18, 2007.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to approve minutes of the meeting held December 18, 2007.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to continue to utilize residential dwelling as a legal nonconforming use on front portion of property and utilize rear yard under current B-1 (Local Business) on the property located at 17706 Frazho, Stephen D. Laney, petitioner.

Stephen D. Laney, 17706 Frazho, petitioner, appeared before the Board. Mr. Laney wished to proceed with his request this evening.

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 ROBERT TAYLOR seconded to close the public hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER ROBERT TAYLOR seconded to adopt a resolution approving the petitioner's request for a variance to continue to utilize residential dwelling as a legal nonconforming use on front portion of property and utilize rear yard under current B-1 (Local Business) based upon the finding that a unique circumstance exists; the subject property is adjacent to commercial and multiple family zoned properties.

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:

REQUEST PERMISSION TO CONTINUE TO UTILIZE RESIDENTIAL DWELLING AS A LEGAL NONCONFORMING USE ON FRONT PORTION OF PROPERTY AND UTILIZE REAR YARD UNDER CURRENT B-1 (LOCAL BUSINESS) ON THE PROPERTY AT 17706 FRAZHO, ROSEVILLE, MICHIGAN, 48066

PERMANENT PARCEL NO. 14-20-327-001 VAR. #0108

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202

Section 2301 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.
MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to keep a commercial vehicle (12' step van) on the property at 17344 Common Road, Jackie Chavis, petitioner.

   Jackie Chavis, 17344 Common Road, petitioner, appeared before the Board. Mr. Chavis wished to proceed with his request.

   City Clerk Richard Steenland received one petition with six signatures.

   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 COLLEEN MCCARTNEY seconded to adopt the resolution approving the petitioner's request for a variance to keep a commercial vehicle (12´ step van) on the property; the finding is based upon the fact that a unique circumstance exists; the property is located on a major road and the lot is sufficient size to accommodate the vehicle.

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:

ORDINANCE NO. 1202 SECTION 2304-11 RESTRICTS PARKING OF COMMERCIAL VEHICLES ON RESIDENTIALLY ZONED PROPERTY UNLESS ALL CONDITIONS OF THE ORDINANCE ARE MET.

PERMANENT PARCEL NO. 14-08-301-063 VAR. #0208

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

3. Public Hearing and Board consideration for variance to erect housing for the elderly having a height of 32' on the property at 17255 Common Road, American House Roseville I, LLC, James Pappas, petitioner.

   James Pappas, 30800 Northwestern, Farmington Hills, appeared before the Board to explain this request to the Board. Mr. Pappas wished to proceed with this request.

   City Clerk Richard Steenland received no correspondence on this request.

   The following individuals spoke during the Public Hearing:

   Sheryl Power, 17307 Common
   Beverly Schaff, Management Company for Hidden Pines
   Kathryn Bohnoff, 30567 Hidden Pines

Carol Schultz, 30563 Hidden Pines

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 COLLEEN MCCARTNEY seconded to adopt the resolution to approve the petitioner's request for a variance to erect housing for the elderly having a height of 32´ based upon the finding that a practical difficulty exists; being, requirements of the Michigan Building Code cause difficulty in constructing the building at a height of 25´.

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:

REQUEST PERMISSION TO ERECT HOUSING FOR THE ELDERLY HAVING A HEIGHT OF 32´ IN AN RM-1 (MULTIPLE-FAMILY (LOW RISE) RESIDENTIAL) DISTRICT.

PERMANENT PARCEL NO. 14-08-152-031 VAR. #0308

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 is hereby granted.
MOTION CARRIED UNANIMOUSLY

4. Public Hearing and Board consideration for variance to erect an off-premises sign less than 1,000 feet from the closest off-premises sign and having a height of 80´ on the retention pond property north of Masonic and east of Little Mack, International Outdoor, Inc, Michael Berry and Randy Oram, petitioners.

Jim Walsh, attorney for International Outdoor, 18470 W. 10 Mile, Ste 110, Southfield, MI, appeared with Michael Berry and Randy Oram. The petitioners chose to proceed this evening.

City Clerk Richard Steenland received no correspondence on this item.

The following individuals spoke during the Public Hearing:

Clark Andrews, attorney for the RS Eastin Hotel, 12900 Hall Rd, Ste 350, Sterling eights, MI 48313.

Lauren Donofrio, attorney for the RS Eastin Hotel 12900 Hall Rd, Ste 350, Sterling Heights, MI 48313.

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

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded to approve the petitioner's request for variance to erect an off-premises sign less than 1,000 feet from another off-premises sign for the following reasons:

1. A unique circumstance exists and substantial justice will be done to permit the

petitioner's sign closer than 1,000 feet from the closest off-premises sign because it meets the intent of the ordinance due to its advertising to the traffic flow on I-94 as opposed to Masonic.

2. The location of the premises to the I-94 expressway and Masonic leads to a unique circumstance and a practical difficulty due to advertising frontage along I-94 and Masonic and is not the result of a mere inconvenience.
3. The petitioner's sign would otherwise be in harmony with the surrounding signs and other signs located along the I-94 expressway.

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:

REQUEST PERMISSION TO ERECT AN OFF-PREMISES SIGN LESS THAN 1,000 FEET FROM THE CLOSEST OFF-PREMISES SIGN ON THE RETENTION POND PROPERTY NORTH OF MASONIC AND EAST OF LITTLE MACK, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-03-151-012 VAR. #0408

will be in harmony with Sign Ordinance No. 1125 Section 264-6(a) and (c) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and is hereby granted.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded to approve the petitioner's request for a variance to allow a height of 85´ for the following reasons:

1. The increase in height allows greater visibility of signs located to the south; specifically, the Eastin Hotel and the Holiday Inn Express.
2. Not granting the variance and permitting the sign to be erected at 50´, as allowed by the Ordinance, would block the signs to the south; specifically, the Eastin Hotel and the Holiday Inn Express.
3. The additional height is the result of a unique circumstance due to the grade of the sign, being the I-94 overpass over Masonic, and thus adds substantially lower grade than that of the highway itself thus requiring additional height for visibility purposes.
4. The additional height is in harmony with other signs of similar nature in the nearby area.
5. The failure to grant the variance would affect the rights of others whose property would be affected by the failure to allow the variance which will allow substantial justice to be done by permitting increased visibility of other signs in the immediate area.
6. The practical difficulty of the location of the sign, the height of the adjacent sign and the grade at which the petitioner's sign is being constructed in relationship to the height of the highway is exceptional and peculiar to the property and results from conditions which do not generally exist throughout the City. The practical difficulty that would exist from failure to grant the variance is substantially more than a mere inconvenience to the petitioner; but, instead would result in a hardship to the adjacent property owners if the variance is not granted.

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:

REQUEST PERMISSION TO ERECT AN OFF-PREMISES SIGN HAVING A HEIGHT OF 85´ ON THE RETENTION POND PROPERTY NORTH OF MASONIC AND EAST OF LITTLE MACK, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-03-151-012 VAR. #0408

will be in harmony with the general purpose and intent of Sign Ordinance No. 1125 Section 264-6 (a) and (c) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and 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 SALVATORE AIUTO seconded that the agenda having been acted upon, the meeting is hereby adjourned at 8:29 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