ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, JULY 1, 2008
7 p.m.

ROLL CALL

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

OTHERS PRESENT:	City Manager	Stephen Truman
	City Attorney	Tim Tomlinson
	City Clerk	Richard Steenland

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

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER JAN HAGGERTY seconded to excuse absent Board Member Salvatore Aiuto.
MOTION CARRIED UNANIMOUSLY

I. ROUTINE MATTERS

- Approval of minutes of meeting held June 17, 2008.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve minutes of the meeting held June 17, 2008.
MOTION CARRIED UNANIMOUSLY

II. OLD BUSINESS

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

City Manager Stephen Truman stated that he spoke with Louis Bommarito and he will be removing the concrete from the property.

No one from the public wished to be heard.

City Clerk Richard Steenland received three letters and one petition with three signatures in opposition to 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 ROBERT TAYLOR seconded to adopt the resolution to deny the petitioner's request for variance to keep concrete installed in the front yard on the property at 27376 Pinehurst 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 Tenant's objective of providing accessibility for his handicapped daughter can be achieved by installing a walkway to the driveway.

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 CONCRETE INSTALLED IN THE FRONT YARD ON THE PROPERTY AT 27376 PINEHURST, ROSEVILLE, MICHIGAN, 48066

PERMANENT PARCEL NO. 14-17-451-009 VAR. #2408

will not be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2000-2 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 establish a tattoo parlor within 300 feet of a residential zoning district on the property at 29323 Gratiot, Inkslingers USA, Michael E. Jeziak, petitioner.

Petitioner Michael Jeziak appeared and stated that his attorney was not present at this time. Mayor Harold Haugh explained to the petitioner that the Board will proceed with the agenda and come back to this item to allow the attorney time to arrive at the meeting.

Mayor Haugh recalled this agenda item and explained to Mr. Jeziak that due to the fact that one Board Member is absent the petitioner may have this item tabled once again until all Board Members are present. Mr. Jeziak wished to proceed with this request without his attorney.

Director of Building and Inspection Glenn Sexton explained to the Board that the petitioner applied for a Certificate of Occupancy in October 2006 and an inspection was conducted by the Building Department. The Petitioner did not contact the Building Department until early 2008 regarding any permits to be obtained or any work to be completed on this property. Mr. Sexton also explained that this building was legally non-conforming; however, per the City Zoning Ordinance, if a building is not used for a period of 12 months or longer the building is no longer considered legally non-conforming.

Board Member John Chirkun discussed the background check conducted by the Police Department on a business license application and asked City Manager Stephen Truman if any taxes are owed on this property. Mr. Truman responded that if this request is approved by the Board then all taxes should be paid. Board Member Chirkun asked City Attorney Tim Tomlinson if there could be a stipulation that all taxes must be paid up-to-date including the summer taxes and if a one-year review may be placed on an approval. Mr. Tomlinson responded that the Board may do both stipulations as a condition of approval.

Mike Jeziak, father of Michael Jeziak, appeared and spoke about the tattoo business. Mr. Jeziak made various comments about discrimination by the City against him and his business.

Mayor Haugh called Mike Jeziak out of order.

Board Member Chirkun asked Mike Jeziak if he is the petitioner; he is not the petitioner.

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 adopt the resolution to approve the petitioner's request for variance to establish a tattoo parlor within 300 feet of a residential zoning district on the property at 29323 Gratiot, based upon the finding that an undue hardship exists. The loss of their legal non-conforming status was not the fault of the petitioner but rather the result of a failed real estate transaction.

The following contingencies were placed on this request:

1. All taxes must be paid, up to and including the summer taxes.
2. The Board will review the approval in one year.

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 ESTABLISH A TATTOO PARLOR WITHIN THREE HUNDRED (300) FEET OF A RESIDENTIAL ZONING DISTRICT ON THE PROPERTY AT 29323 GRATIOT, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-09-351-020 VAR. #2608

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 1907-1-b and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby granted.

Nays: Mayor Harold Haugh
Councilman Robert Taylor

MOTION FAILED 4 yeas 2 nays

III. NEW BUSINESS

- Public Hearing and Board consideration for variance to park a commercial vehicle (ice cream van) on the property at 25325 Pinehurst, Angela Herring, petitioner.

Angela Herring, 25325 Pinehurst, appeared on behalf of this request and answered questions for the Board.

City Clerk Richard Steenland received one letter pertaining to this request.

Mayor Harold Haugh asked Ms. Herring if she has spoken with any of her neighbors about the vehicle being parked in her driveway. Ms. Herring spoke with one neighbor; the other house next to her is vacant.

No one from the public wished to be heard.

COUNCILMAN JOHN CHIRKUN moved, COUNCILMAN ROBERT TAYLOR seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

COUNCILMAN ROBERT TAYLOR moved, COUNCILWOMAN COLLEEN MCCARTNEY seconded to adopt the resolution to deny the petitioner's request for variance to park a commercial vehicle (ice cream van) on the property at 25325 Pinehurst based upon 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 this type of vehicle is better suited for commercially zoned property.

The petitioner has 30 days to remove the vehicle 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 PARK A COMMERCIAL VEHICLE (ICE CREAM VAN) ON THE PROPERTY AT 25325 PINEHURST, ROSEVILLE, MICHIGAN, 48066

PERMANENT PARCEL NO. 14-20-379-020 VAR. #2708

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

IV. HEARING OF THE PUBLIC

No one from the public wished to be heard.

V. ADJOURNMENT

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded, that the agenda having been acted upon, the meeting is hereby adjourned at 7:23 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