ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, JULY 15, 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 Attorney	Tim Tomlinson
City Clerk	Richard Steenland
Director of Building and Inspections	Glenn Sexton

Mayor Harold Haugh called the meeting to order at 7:02 p.m. with the Pledge of Allegiance.

I. ROUTINE MATTERS

- Approval of minutes of meeting held July 1, 2008.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve minutes of the meeting held July 1, 2008.
MOTION CARRIED UNANIMOUSLY

II. NEW BUSINESS

1. Public Hearing and Board consideration for variance to provide massage therapy as a home occupation on the property at 20300 Wallace, Mashiah Massage, Edna Raymer, petitioner.

Petitioner Edna Raymer, 20300 Wallace, appeared before the Board on behalf of this request.

City Clerk Richard Steenland received one petitioner with 19 signatures in favor of 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

BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request for a variance to provide massage therapy as a home occupation based upon the finding that a unique circumstance exists, being, the petitioner has sufficient room to provide for off street parking and the proposed business will not negatively impact traffic on Wallace Street. The following stipulations were placed upon the approval:

1. Only one client is allowed on the property at a time.
2. Hours of operation are restricted to 7 a.m. to 7 p.m.
3. Clients must park on the petitioner's property.
4. Approval is for one year only.
5. The Petitioner must obtain all licenses required by the City of Roseville.

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 PROVIDE MASSAGE THERAPY AS A HOME OCCUPATION ON THE PROPERTY AT 20300 WALLACE, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-09-278-020 VAR. #3008

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 402-13-j 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 modify existing nonconforming sign on the property at 32233 Gratiot, Honigman Miller Schwartz and Cohn LLP, representative.

Attorney Adam Kochenderfer, 2290 First National Building, Detroit, appeared with Phil Popenga from Macomb Mall to explain this request to the Board.

Board Members Salvatore Aiuto, John Chirkun and Jan Haggerty asked the petitioners several questions about this request.

Board Member Chirkun asked Director of Building and Inspection Glenn Sexton if the petitioner may build a smaller sign without a variance. Mr. Sexton explained that the petitioner may not alter the existing sign without a variance; the existing sign may be removed and a new sign may be constructed without a variance.

City Attorney Tim Tomlinson asked the petitioners if they will build this structure if the off premise advertising is denied; Mr. Popenga replied that they will have to go back to the drawing board if the request is denied.

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 JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded to approve the petitioner's request for a variance to modify the existing nonconforming sign based upon the finding that an undue hardship exists, being, renovations to the existing sign would provide a more attractive finished product and allow for reduced maintenance by the owner; however, BOARD MEMBER JOHN CHIRKUN moved, BOARD MEMBER ROBERT TAYLOR seconded to deny the off-premises advertising component because there is no practical difficulty or undue hardship nor is it harmonious with existing businesses within the City and could set a dangerous precedent.

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 MODIFY EXISTING NONCONFORMING SIGN ON THE PROPERTY AT 32233 GRATIOT, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-04-251-005 VAR. #3108

will be in harmony with the general purpose and intent of Sign Ordinance No. 1125 Section 264-14-b-3 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to park a commercial vehicle (2 yard dump truck) on the property at 26084 Normandy, Joe VanDoorne, petitioner.

Joe VanDoorne, 26084 Normandy, appeared on behalf of this request.

Mayor Harold Haugh and Board Member Robert Taylor asked Mr. VanDoorne a few questions

pertaining to this request.

City Clerk Richard Steenland received one letter regarding this request which did not state whether the individual was in favor of or against this request and one letter in opposition to this request.

Board Member John Chirkun asked Director of Building and Inspection Glenn Sexton if a notice of this hearing was issued to the neighborhood; Mr. Sexton replied that a notice was issued to all property owners within a 300 foot radius.

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 moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to deny the petitioner's request for a variance to park a commercial vehicle (2 yard dump truck) on residential property located at 26084 Normandy 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 parking of a vehicle of this type is better suited for commercially zoned 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 (2 YARD DUMP TRUCK) ON THE PROPERTY AT 26084 NORMANDY, ROSEVILLE, MICHIGAN 48066

PERMANENT PARCEL NO. 14-21-176-014 VAR. #3208

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

4. Public Hearing and Board consideration for variance to provide fifty-five (55) parking spaces on the property at 30750 Edison Drive, MRC Manufacturing, Lido Building Corp., representative.

Joe Distefano from Lido Building Corp and Paul Torres of MRC Manufacturing appeared on behalf of this request.

Mayor Harold Haugh asked Mr. Torres the maximum number of parking spaces that will be occupied at any point in time. Mr. Torres responded that there are now two shifts operating and on the first shift there are 20 employees and on the second shift there are a maximum of 12 employees.

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 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 provide fifty-five (55) parking spaces based upon the finding that a unique circumstance exists, being, the anticipated largest work shift with customer parking would be less than 40 individuals.

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 PROVIDE FIFTY-FIVE (55) PARKING SPACES ON THE PROPERTY AT 30750 EDISON DRIVE, ROSEVILLE, MICHIGAN, 48066.

PERMANENT PARCEL NO. 14-07-228-012 VAR. #3308

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2001 (e) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

5. Public Hearing and Board consideration for variance to erect an addition providing a 12´(north) side yard setback on the property at 30750 Edison Drive, MRC Manufacturing, Lido Building Corp., representative.

Joe Distefano from Lido Building Corp. and Paul Torres of MRC Manufacturing appeared on behalf of this request.

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 BILL SHOEMAKER seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER SALVATORE AIUTO seconded to approve the petitioner's request for variance to erect an addition providing a 12´ (north) side yard setback based upon the finding that a unique circumstance exists, being, the entire building is equipped with an automatic fire suppression system which would eliminate the need for the 20´ fire lane along the north lot line.

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 ADDITION PROVIDING A 12´ (NORTH) SIDE YARD SETBACK ON THE PROPERTY AT 30750 EDISON DRIVE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-07-228-012 VAR. #3408

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2001 (e) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, therefore, is hereby granted.
MOTION CARRIED UNANIMOUSLY

6. Public Hearing and Board consideration for variance to relocate the loading dock to the side of the building on the property at 30750 Edison Drive, MRC Manufacturing, Lido Building Corp., representative.

Joe Distefano from Lido Building Corp. and Paul Torres of MRC Manufacturing appeared on behalf of this request.

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

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER COLLEEN MCCARTNEY seconded to approve the petitioner's request for a variance to relocate the loading dock on the side of the building based upon the finding that a unique circumstance exists, being, the relocating of the loading dock from the front of the building to the side yard will improve traffic conditions along Edison Drive.

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 RELOCATE THE LOADING DOCK TO THE SIDE OF THE BUILDING ON THE PROPERTY AT 30750 EDISON DRIVE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-07-228-012 VAR. #3508

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 2003-4 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

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 7:30 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.