

The Chairman, Michael Huston, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, July 18, 2006 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Michael Hutson
Matthew Kovacs
Lawrence Littman
Mark Maxwell

ABSENT: Christopher Fejes
Marcia Gies

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

Motion by Courtney
Supported by Littman

MOVED, to excuse Ms. Gies and Mr. Fejes from tonight’s meeting as they are out of town.

Yeas: 5 – Hutson, Kovacs, Littman, Maxwell, Courtney

MOTION TO EXCUSE MS. GIES AND MR. FEJES CARRIED

Mr. Hutson informed the audience that because there were only five Board members present, they had the opportunity to ask that their requests were postponed until the meeting of August 15, 2006. No one in the audience wished to postpone their hearings.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 20, 2006

Motion by Littman
Supported by Maxwell

MOVED, to approve the minutes of the meeting of June 20, 2006 as written.

Yeas: 4 – Hutson, Littman, Maxwell, Courtney
Abstain: 1 – Kovacs

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

Mr. Hutson stated that Item #3, Mr. and Mrs. Varkle have been friends of his for quite some time but did not believe it would affect the way he voted on their request for

renewal. He did say that he would excuse himself if the Board felt it was necessary. The Board did not feel it was necessary to excuse Mr. Hutson

ITEM #2 – APPROVAL OF ITEMS #3 AND ITEM #4

RESOLVED, that Items #3 and Item #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Littman

Yeas: 5 – Hutson, Kovacs, Littman, Maxwell, Courtney

ITEM #3 – RENEWAL REQUESTED. MR. & MRS. RICHARD VARKLE, 54 E. SQUARE LAKE, for relief of the requirement to provide hard surface parking and an access drive.

Mr. Stimac explained that the Zoning Ordinance requires parking lots and drives to be hard surfaced. This Board originally granted this relief in May 1979 based on the historical significance of the site. A “Sense of Thyme” currently occupies the site. This item last appeared before this Board at the July 2003 meeting and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Richard & Melanie Varkle, 54 E. Square Lake, a three-year (3) renewal of relief of the requirement to provide hard surface parking and an access drive.

- Conditions remain the same.
- We have no objections or complaints on file.

ITEM #4 – RENEWAL REQUESTED. KENSINGTON COMMUNITY CHURCH, 1825 E. SQUARE LAKE, for relief of the 4’-6” high masonry screening wall required along the north and west side of off-street parking.

Petitioner is requesting relief of the 4’-6” high masonry screening wall required along the north and west side of off-street parking. This Board has granted this relief since 1996. Relief was originally granted based on the fact that the wall adjacent to the wetlands could be a problem and that a variance renewal will determine whether natural conditions provide necessary screening. This item last appeared before this Board at the July 2003 meeting and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Kensington Community Church, 1825 E. Square Lake, a three-year (3) renewal for relief of the 4’-6” high masonry screening wall required along the north and west side of off-street parking.

ITEM #4 – con't.

- Conditions remain the same.
- We have no objections or complaints on file.

ITEM #5 - VARIANCE REQUEST. DENVER ASSOCIATES, 1010 NAUGHTON, for relief of the Ordinance to expand an existing parking lot that will be within 14' of Acacia and within 23'-7" of Naughton where Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking.

Mr. Hutson explained that the Building Department was in receipt of a letter asking that this request be postponed until the August meeting.

Motion by Courtney
Supported by Kovacs

MOVED, to postpone the request of Denver Associates, 1010 Naughton, for relief of the Ordinance to expand an existing parking lot that will be within 14' of Acacia and within 23'-7" of Naughton where Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking until the meeting of August 15, 2006.

- At the request of the petitioner.

Yeas: 5 – Kovacs, Littman, Maxwell, Courtney, Hutson

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 15, 2006
CARRIED

ITEM #6 – VARIANCE REQUEST. SAIF JAMEEL, 3031 CROOKS ROAD, for relief of the Ordinance to construct a new commercial building with a drive up window accessory to a restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is made up of two separate parcels that total only .53 acres in size.

Mr. Hutson explained that the Building Department had received a request asking that this item be postponed until the meeting of August 15, 2006.

Motion by Courtney
Supported by Kovacs

MOVED, to postpone the request of Saif Jameel, 3031 Crooks Road, for relief of the Ordinance to construct a new commercial building with a drive up window accessory to a restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District until the meeting of August 15, 2006. This site is made up of two separate parcels that total only .53 acres in size.

ITEM #6 – con't.

- At the request of the petitioner.

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 15, 2006
CARRIED

ITEM #7 – VARIANCE REQUEST. WILLIAM BEAUMONT HOSPITAL, 44201 DEQUINDRE, for relief of the Ordinance to construct a new parking lot on the south side of the hospital. The site plan submitted indicated that the parking spaces would be only 9' wide, where Section 40.25.03 of the Troy Zoning Ordinance requires that parking spaces be a minimum of 9'-6" wide.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new parking lot on the south side of the existing hospital. Section 40.25.03 of the Troy Zoning Ordinance requires that parking spaces be a minimum of 9'-6" wide. The site plan submitted indicates that the spaces would be only 9' wide.

Mr. Craig McEwen of Harley Ellis Devereaux was present and stated that they are requesting this variance at the request of the Planning Commission. Mr. McEwen stated that they had received site approval for this project and by making these parking spaces narrower they will be able to reduce the amount of paving keeping the parking lot out of the flood plain and be able to keep a greater number of the existing trees.

Mr. Maxwell stated that the petitioner has indicated that if this variance is granted they will require 8800 square feet less for this parking lot and asked where the savings was. Mr. McEwen said that if the variance is not granted they will have to excavate under the existing pond and they would rather not do that. Mr. McEwen also stated that this parking lot would be used for staff parking and that would eliminate a lot of traffic going in and out of this area.

Mr. Courtney asked how wide the spaces were in the parking garage and Mr. McEwen said that they are 9'-6" because of a higher turnover. Mr. Courtney stated that if they wished to save more land they could add to the parking deck. Mr. McEwen said that the long-term goal is to have another deck on the north side of the lot for staffing, but right now Beaumont does not have the finances to add another parking deck, as it is just about triple the cost.

Mr. Courtney then asked what would happen to the parking on the northwest side if this lot was to be used for staff. Mr. McEwen stated that this area is for the new building additions, and once the additions are constructed the parking will go away.

Mr. Maxwell asked if there were any 9' parking spaces on the site. Mr. John Rogers of Beaumont Services Company stated that he thought the parking lot on the east side of Dequindre; the Sterling Heights side had 9' spaces. This is an over-flow parking lot.

ITEM #7 – con't.

Mr. Courtney asked if they could add more spaces on the east side of Dequindre. Mr. McEwen said that the staff that parks on the east side will eventually move over to the west side of the road. Mr. Courtney asked how much more space would be required if they had 9'-6" spaces. Mr. Rogers said that the parking lot fits but they are trying to save some natural trees and preserve as much green space as possible.

Mr. Littman stated that Mr. McEwen was correct in stating that he was before this Board at the recommendation of the Planning Commission and this is the first phase of a ten-year plan to expand this site. They have been very good about protecting their green area and have met with the residents that are affected by their plans and have proved themselves to be very good citizens in trying to protect the green area. The Planning Commission thought this would be advantageous because it would save more trees, it would be for employees use only and there are other areas in the City that have 9' parking spaces and it works very well.

Mr. Courtney asked if this would always be used for staff and Mr. McEwen said that this is their plan.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There is one (1) written objection on file.

Motion by Courtney
Supported by Littman

MOVED, to grant William Beaumont Hospital, 44201 Dequindre, relief of the Ordinance to construct a new parking lot on the south side of the hospital with parking spaces that will be only 9' wide, where Section 40.25.03 of the Troy Zoning Ordinance requires that parking spaces be a minimum of 9'-6" wide.

- Parking will be limited to Staff only.

Mr. Kovacs stated that he did not know how this condition could be enforced. Mr. Courtney stated that presently there are areas that are limited to Staff parking and it is enforced very well.

Ms. Lancaster said that although it does relate to the variance, and thought that it may be difficult to enforce, however, it was a valid condition.

Mr. Courtney stated that at the present time it is very well enforced.

Mr. Kovacs said that if the variance is granted, there is nothing to stop the petitioner from expanding into the green space in the future and all that will result is more and

ITEM #7 – con't.

more 9' parking spaces. The petitioner would not be stopped from using that land in the future, and if in fact, the petitioner wants to preserve as much greenspace as possible, they would put up a parking deck and quadruple the parking space. Mr. Kovacs does not see this as a permanent fix, but a temporary solution.

Mr. Maxwell asked if the petitioner could outline the exact area that would be protected and also protected in the future. Mr. McEwen said that there is a protected green belt, a floodplain and there is nowhere else for them to expand the parking. It costs about \$2,000.00 per car to build a deck. Mr. Kovacs said that he understands that but believes this is only a temporary solution.

Mr. Hutson asked if this variance is granted the petitioner could then build a parking deck with 9' spaces. Mr. Stimac said that the Ordinance does allow for parking spaces in a parking deck used for long-term parking to have 9' wide spaces.

Vote on the motion by Mr. Courtney

Yeas: 5 – Littman, Maxwell, Courtney, Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUEST. MR. & MRS. BERNARD LOURIM, 1850 KRISTIN, for relief of the Ordinance to construct an attached garage addition resulting in a 32.6' front yard setback. Section 30.10.02 requires a 40' minimum front yard setback in R-1B Zoning Districts.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a garage addition. The site plan submitted indicates an addition to the front of an existing attached garage, resulting in a 32.6' front yard setback. Section 30.10.02 requires a 40' minimum front yard setback in R-1B Zoning Districts.

Jason Krieger, the Architect for Mr. and Mrs. Lourim was present and stated that the homeowners have lived in this home approximately 10 years and their family has grown and they have run out of storage space and would like to add this 108 square foot addition. Any type of addition to this garage would require a variance. They believe that this would be the best location for this addition as the existing wall shows evidence that the foundation is failing. Also, by putting the addition in this area it would minimize the impact on the surrounding neighbors and would give them more usable storage space.

Mr. Krieger also explained that there is an existing circular driveway that they would like to preserve. The Lourims have spoken to their neighbors and have received favorable comments. This addition will enable them to get the most use of their property and allow them to stay in the area and make nice improvements to the existing facade.

ITEM #8 – con't.

Mr. Littman stated that a neighbor had objected because they had not seen the proposed plans and suggested in the future talking to all neighbors so they would be aware of what is proposed.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There is one (1) written objection on file.

Mr. Hutson stated that he did not feel that this addition would affect any of the surrounding neighbors.

Motion by Maxwell
Supported by Littman

MOVED, to grant Mr. & Mrs. Bernard Lourim, 1850 Kristin, relief of the Ordinance to construct an attached garage addition resulting in a 32.6' front yard setback where Section 30.10.02 requires a 40' minimum front yard setback in R-1B Zoning Districts.

- The double front corner lot creates a hardship.
- The builder built the home right at the minimum setback line.
- This is the only house on this side of the street in this block.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.

Yeas: 5 – Maxwell, Courtney, Hutson, Kovacs, Littman

MOTION TO GRANT VARIANCE CARRIED

Mr. Hutson informed the Board that he is on the President's Advisors Council of Walsh College but once again does not feel it would affect the way he would vote on this request. The Board did not feel it was necessary to excuse Mr. Hutson.

ITEM #9 – VARIANCE REQUEST. WALSH COLLEGE, 3838 LIVERNOIS, for relief of the Ordinance to expand the parking lot on the north side of the college. Section 18.30.06 requires that a 4'-6" high masonry screen wall or as an alternative a 4'-6" landscaped berm be provided between parking lots of colleges and adjacent residentially zoned property. The site plan submitted lacks the required screening on the west side of the new parking lot.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to expand the parking lot on the north side of the college. Section 18.30.06 requires that a 4'-6" high masonry screen wall or as an alternative a 4'-6" landscaped berm be provided

ITEM #9 – con't.

between parking lots of colleges and adjacent residentially zoned property. The site plan submitted lacks this required screening on the west side of the new parking lot.

Mr. Alan Green was present and stated this was a decision reached between Mr. Wattles, the neighbor, and Walsh College. This is a Historic property and if they have to put a berm in, it would greatly disturb the existing vegetation and mature trees. The parking will be 3' feet lower and they are working with the owner on a landscape plan. They plan to put in a wood horse fence and believe it would be most compatible with this surrounding area.

Mr. Green said that the Board has the right to grant a waiver on the wall or berm and each decision is based on the case. Mr. Green said that he does not think there is any good reason for either the wall or the berm.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file and one (1) written comment from Mary Tsouris, 21 Scottsdale.

Motion by Kovacs.

Supported by Courtney

MOVED, to grant Walsh College, 3838 Livernois, relief of the Ordinance to expand the parking lot on the north side of the college, without the 4'-6" high masonry screen wall or a 4'-6" landscaped berm between the parking lot of the college and adjacent residentially zoned property as required by Section 38.30.06.

- Variance approved as proposed.
- A fence will be installed between the parking lot and the property at 3864 Livernois.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Variance will not have an adverse effect to surround property.
- Absent a variance, significant natural features would be affected.

Yeas: 5 – Courtney, Hutson, Kovacs, Littman, Maxwell

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUEST. MR. & MRS. BOYER, 93 BELHAVEN, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit, located 4'-11" from the rear property line. Section 40.57.05 requires a 6' minimum setback to any property line for an accessory building.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to maintain an addition to a shed, constructed without first obtaining a Building Permit. This addition is only 4'-11" from the rear property line. Section 40.57.05 requires a 6' minimum setback to any property line for an accessory building.

Mr. Kovacs asked what the property to the north of this parcel was zoned. Mr. Stimac stated that it is in the B-2 Zoning Classification and the City has received a site plan for a new commercial building on that site.

Mr. Courtney commented on the fact that no responses were received from the neighbor to the east or the west of this property.

Mr. and Mrs. Boyer were present. Mr. Boyer informed the Board that the owners of the property to the west had recently passed away and the house was vacant. The owner of the home to the east of the property is not there full time. Mr. Boyer said that he did not think this addition would have any impact to the neighbors and they need the additional space for storage. Mr. Boyer brought in two (2) letters indicating approval of his request that.

The Chairman opened the Public Hearing.

Mrs. Natalie Houde, 4885 Dorshire was present and stated that the Boyers had done a number of improvements to this home that have improved the area. Mrs. Houde stated that her husband cuts the yard of the home to west of the Boyers and he is unable to see the addition to this shed. Mrs. Houde is in favor of this variance request.

No one else wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Kovacs
Supported by Littman

MOVED, to grant Mr. & Mrs. Boyer, 93 Belhaven, relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit, located 4'-11" from the rear property line, where Section 40.57.05 requires a 6' minimum setback to any property line for an accessory building.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this petition.

ITEM #10 – con't.

- Property to the north is zoned Commercial.
- The site is heavily wooded and the building is difficult to see from adjacent properties.
- Moving the shed would be unnecessarily burdensome.

Yeas: 5 – Courtney, Hutson, Kovacs, Littman, Maxwell

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals meeting adjourned at 8:17 P.M.

Michael Hutson, Chairman

Pamela Pasternak, Recording Secretary