

The Vice-Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order on Tuesday, January 16, 2007 at 7:30 P.M. in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Matthew Kovacs
Mark Maxwell
Wayne Wright

ABSENT: Glenn Clark

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

Motion by Gies
Supported by Wright

MOVED, to excuse Mr. Clark from tonight’s meeting as he has not been sworn in as a member of the Board of Zoning Appeals.

Yeas: 6 –Fejes, Gies, Kovacs, Maxwell, Wright, Courtney

MOTION TO EXCUSE MR CLARK CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 19, 2006

Motion by Courtney
Supported by Wright

MOVED, to approve the minutes of the meeting of December 19, 2006 as written.

Yeas: 5 – Kovacs, Maxwell, Wright, Courtney, Fejes
Abstain: 1 - Gies

MOTION TO APPROVE MINUTES CARRIED

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

Motion by Wright
Supported by Courtney

MOVED, to approve Item #3 and #4 in accordance with the suggested resolutions printed in the Agenda Explanation.

ITEM #2 – con't.

Yeas: 6 – Kovacs, Maxwell, Wright, Courtney, Fejes, Gies

MOTION TO APPROVE ITEM #3 AND #4 CARRIED

ITEM #3 – RENEWAL REQUESTED. CATS BUILDING, 2100 W. BIG BEAVER, for relief of the 6' high masonry-screening wall required along the north end of the west property line.

The petitioner is requesting relief of the requirement to erect a 6' high masonry-screening wall along the west property line at the north end of this site. The northern 73' of this property abuts residential zoning to the west and a 6' high masonry-screening wall is required along that portion of the property by Section 39.10.01 of the Zoning Ordinance. This Board originally granted relief for this wall in 1983, based on the fact that the adjacent land was undeveloped and used as a retention pond. In January 2004, this Board granted a three (3) year renewal of this variance. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant CATS Building, 2100 W. Big Beaver, a three (3) year renewal of a variance for relief of the required 6' high masonry-screening wall required along the north end of the west property line.

- Variance is not contrary to public interest.
- Variance will not cause an adverse effect to surrounding property.

ITEM #4 – RENEWAL REQUESTED. FAITH APOSTOLIC CHURCH, 6710 CROOKS, for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking area, which abut residentially zoned property.

The petitioner is requesting renewal of a variance granted by this Board since July 1981, for relief of the 4'-6" high masonry wall required by Section 39.10.01 of the Zoning Ordinance on the north, east and south sides of their off-street parking areas, which abut residentially zoned property. This item last appeared before this Board at the meeting of January 2001 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Faith Apostolic Church, 6710 Crooks, a three (3) year renewal of a variance for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking areas, which abut residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

ITEM #5 – VARIANCE REQUESTED. VARIANCE REQUEST. FRANCO MANCINI, 6693 ROCHESTER ROAD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new one-story office building. The property to the north of this site is in zoned R-1T (One-Family Attached Residential). The property to the west of this site is in zoned R-1C (One-Family Residential). Section 39.10.01 requires a 6' high masonry screen wall between an O-1 (Office Building) zoned development and residential zoned property. The site plan submitted does not show a screening wall.

Mr. Franco Mancini was present and stated that this parcel was surrounded by heavy vegetation and a lot of natural resources. There is a detention pond to the west of the site and the property to the north has a natural wetland buffer between this site and the condo complex. There is also a lot of natural wild life that is on the site. Mr. Mancini would like to utilize the natural features rather than put up a screen wall as he feels it would have a negative effect on the wetlands.

Mr. Maxwell asked when construction would begin. Mr. Mancini said that he would like to begin by late summer.

Mr. Maxwell opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Courtney asked if the petitioner had thought of putting a berm in on the north side of the property. Mr. Mancini stated that the parking lot would be approximately 20' from the property line to keep the natural vegetation and put in a 5' sidewalk. A berm would require that the natural features be destroyed. The natural vegetation is very thick and Mr. Mancini feels it would be sufficient to work as a buffer. Mr. Courtney asked if there was room for a berm and Mr. Mancini said that he did not believe there was.

Mr. Kovacs said that he did not believe you could grant a temporary variance on this and although traffic on Lovell may want to look at the pond, they may not want to look at a Medical Office building. Mr. Mancini said that they have designed the building to look as close to a residential home as possible.

Mr. Kovacs said that he would still like to give people enough time to decide if they would like to have a screening wall.

Mr. Stimac explained the difference between granting a temporary or permanent variance and said that basically Mr. Mancini's request was for a variance to eliminate the required screening wall. Mr. Stimac also explained that the building is approximately 20' from the north property line, and because of the location of doors on

ITEM #5 – con't.

the north side of the building a sidewalk would be required. A 4'-6" high berm would be almost impossible to install in the remaining space.

Along the east property line the parking lot is right up to the edge and if there were a recurring waiver of a berm, the petitioner would lose required parking if he were ever required to install the berm. The petitioner is asking the Board to waive the requirement of a screen wall. If it was decided at a later time that a screen wall would be required, the Board could have him put one up without adversely effecting the development.

Motion by Kovacs
Supported by Gies

MOVED, to grant Franco Mancini, 6693 Rochester Road (proposed address), relief of the Ordinance to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01 for a period of one-year.

- One-year time frame will give the Board the opportunity to determine if a screen wall would be more effective.
- One-year time frame will give the Board the opportunity to see the final construction of the building.
- One-year time frame will give residents in the area the chance to determine if the natural vegetation will provide enough screening.

Yeas: 6 – Kovacs, Maxwell, Wright, Courtney, Fejes, Gies

MOTION TO GRANT VARIANCE FOR ONE-YEAR CARRIED

The Board of Zoning Appeals meeting adjourned at 7:42 P.M.

Mark Maxwell, Vice-Chairman

Pamela Pasternak, Recording Secretary