

The Chairman, James Giachino, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, November 21, 2000.

PRESENT: Kenneth Courtney  
Mark Maxwell  
Lawrence Littman  
James Giachino  
Carmelo Milia  
Michael Hutson  
Christopher Fejes

ALSO PRESENT: Mark Stimac  
Bob Davisson  
Pam Pasternak

**ITEM #1 – APPROVAL OF MINUTES, MEETING OF OCTOBER 17, 2000**

Motion by Courtney  
Supported by Milia

MOVED, to approve the minutes of the meeting of October 17, 2000 as written.

Yeas: Courtney, Maxwell, Littman, Giachino, Milia, Hutson  
Abstain: Fejes

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – RENEWAL REQUESTED. CHURCH OF JESUS CHRIST LATTER DAY SAINTS, 2784 E. SQUARE LAKE,** for relief of the 4’6” masonry wall required along the east and west sides of off-street parking.

The Chairman moved this item to the end of the Agenda, Item #8, to allow the petitioner the opportunity to be present.

**ITEM #3 – RENEWAL REQUESTED. MS. NANCY MALATESTA, 4685 INVESTMENT DR.,** for relief to maintain a landscaped berm in place of the 6’ high masonry wall required along the south property line.

The Chairman, James Giachino, stated that a letter had been received from the petitioner requesting that this item be tabled until the meeting of December 19, 2000.

Motion by Courtney  
Supported by Milia

**ITEM #3**

MOVED, to table the request of Ms. Nancy Malatesta, 4685 Investment Dr., for relief to maintain a landscaped berm in place of the 6' high masonry wall required along the south property line to the meeting of December 19, 2000.

- At the request of the Petitioner.

Yeas: All – 7

MOTION TO TABLE REQUEST UNTIL MEETING OF DECEMBER 19, 2000  
CARRIED

**ITEM #4 – VARIANCE REQUEST. MR. ROD KNUTSON, MST CONSTRUCTION, REPRESENTING TELIGENT COMMUNICATIONS, 850 TOWER DR.,** for relief to have 15 roof top antennas at the Double Tree Hotel where 14 are permitted.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to install 5 new roof top antennas at the Double Tree Hotel. Section 40.57.08 limits the number of antennas on a site/roof to 2 for the first 20,000 square feet of building area and 1 for each additional 20,000 square feet. Based on the square footage of the building (252,030 square feet), the building is permitted to have 14 antennas. The proposed site plan indicates that there are presently 10 existing antennas and that 5 additional antennas are proposed.

Mr. Milia and Mr. Courtney both asked Mr. Stimac about the proposed change in the Zoning Ordinance which would cover these communication antennas. Mr. Stimac stated that currently there is a proposed Zoning Ordinance amendment on the Planning Commission agenda for December 12, 2000, and if this amendment is approved as written, a variance would no longer be required for this request.

Mr. Jon Kurlander, representing Teligent Communications was present and stated that they are the second largest telecommunication provider in the area. Mr. Kurlander further stated that basically they propose to operate a collection point at this building and collect signals from smaller office buildings to one central area. He further stated that the Double Tree Hotel is the last site in the City of Troy that would require a variance. Mr. Kurlander also said that these antennas would be mounted on the penthouse wall and therefore will not become part of the profile of the building.

The Chairman 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.

**ITEM #4**

Motion by Littman

Supported by Maxwell

MOVED, to grant the request of Teligent Communications, 850 Tower Dr., relief of the Zoning Ordinance to have 15 roof top antennas at the Double Tree Hotel where 14 are permitted.

- Variance request is minimal.
- This variance is not contrary to public interest.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #5 – VARIANCE REQUEST. MR. AND MRS. GARY REHE, 2752**

**DASHWOOD**, for relief to construct a two story, 14'-6" high, detached garage where the ordinance limits accessory buildings to one story and 14' in height.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct a detached garage. Section 40.57.06 of the Zoning Ordinance limits accessory buildings in residential districts to one story and 14' in height. The site plan submitted indicates that the proposed detached garage is a two-story building, and is 14'-6" in height.

Mr. Gary Rehe was present and stated that his lot is 75' x 285' and has two approaches in the front of the lot, one on either side of his home. Mr. Rehe also stated that his home is a ranch style home and does not have a basement or garage. He said that they chose this style of garage to have the cars at the bottom of the garage and a loft for storage on the top.

Mr. Littman asked if this request was only for a 6" variance, and Mr. Stimac stated that this request is actually for two variances. One request is for the height of the building and the other is to allow the construction of a two-story garage.

Mr. Milia asked Mr. Rehe if he could change his plan and eliminate the 6" height request in order to comply with the Ordinance. Mr. Rehe stated that this was the package that they had ordered and this plan would allow more room for storage.

Mr. Maxwell asked if the second story would be a loft and Mr. Rehe stated that the storage space would be considered a loft. Mr. Giachino asked if the petitioner had any plans to heat or air-condition this area and Mr. Rehe stated that he did not.

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Mr. Littman asked Mr. Stimac how the height of the building was determined and Mr. Stimac replied that the height is measured halfway between the peak and the eaves.

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

There are six written approvals on file. There are no written objections on file.

Motion by Maxwell  
Supported by Fejes

MOVED, to grant the request of Mr. and Mrs. Gary Rehe, 2752 Dashwood, relief of the Zoning Ordinance to construct a two-story 14'6" high, detached garage where the Ordinance limits accessory building to one story and 14' in height.

- This particular garage would fit in well with the surrounding area.
- This variance would not have an adverse effect on the surrounding area.
- There are a number of written approvals on file.

Yeas: 6 – Hutson, Fejes, Maxwell, Littman, Giachino, Milia  
Nays: 1 – Courtney

MOTION TO APPROVE REQUEST CARRIED

**ITEM #6 – VARIANCE REQUEST. MS. CATHY VRETTA, 1635 MILVERTON,** for relief of the rear yard setback to construct a deck with a 21' rear yard where 25' is required.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct a deck. Section 41.45.00 requires a 25' minimum rear yard setback to decks and open porches in R-1E Zoning Districts. The site plan submitted indicates a 21' rear yard setback from the proposed deck to the rear property line.

Mr. Hutson asked about the property at the rear of the lot and stated that he thought that the property was landlocked. After reviewing the records, Mr. Stimac stated that the property to the rear of this property was actually two residences fronting on Maple Road and part of the VFW lot.

Ms. Vretta was present and stated that she had a landscape company out to design her yard and stated that they felt a 14' deck would add the most to her property. She also stated that a 10' deck would not allow her to open her door, or comfortably place her furniture on this deck. Ms. Vretta further stated that the lots behind her are very

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deep and she did not feel that this variance would cause a problem for these property owners.

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

There is one written approval on file.

Motion by Maxwell  
Supported by Courtney

MOVED, to grant the request of Ms. Cathy Vretta, 1635 Milverton for relief of the rear yard setback to construct a deck with a 21' rear yard setback where 25' is required.

- The property to the rear is the rear yard of a very deep lot.
- This variance is not contrary to public interest.
- This variance will not have an adverse effect on surrounding property.

Yeas: 6 – Fejes, Courtney, Maxwell, Littman, Giachino, Hutson  
Nays: 1 – Milia

MOTION TO APPROVE REQUEST CARRIED

**ITEM #7 – VARIANCE REQUEST. WELLS REAL ESTATE FUNDS, 4685 INVESTMENT**, for relief to maintain a 3'-6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required.

The Chairman, Mr. Giachino, stated that this Board had received a written request to table this request until the meeting of December 19, 2000. There were several citizens in the audience who had attended this meeting regarding this request. Mr. Stimac assured them that they would be notified when this item would again appear on the Board of Zoning Appeals Agenda.

Motion by Fejes  
Supported by Courtney

**ITEM #7**

MOVED, to table the request of Wells Real Estate Funds, 4685 Investment, for relief to maintain a 3'-6" high landscaped berm along the west side of the site where a 6' high decorative masonry screen wall is required until the meeting of December 19, 2000.

- At the request of the petitioner.

Yeas: All – 7

MOTION TO TABLE REQUEST UNTIL MEETING OF DECEMBER 19, 2000  
CARRIED

**ITEM #8 (ITEM #2) – RENEWAL REQUESTED. CHURCH OF JESUS CHRIST LATTER DAY SAINTS, 2784 E. SQUARE LAKE**, for relief of the 4’6” masonry wall required along the east and west sides of off-street parking.

The Chairman moved this item to the end of the agenda to allow the petitioner the opportunity to be present.

Motion by Courtney  
Supported by Fejes

MOVED, to table the request of Church of Jesus Christ Latter Day Saints, 2784 E. Square Lake, for relief of the 4’6” masonry wall required along the east and west sides of off-street parking until the meeting of December 19, 2000.

- To allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO TABLE REQUEST UNTIL MEETING OF DECEMBER 19, 2000  
CARRIED.

The Board of Zoning Appeals meeting adjourned at 8:16 P.M.

MS/pp