Member Lambert called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, November 18, 2008 in Council Chambers of the Troy City Hall.

Motion by Courtney
Supported by Strat

MOVED, to have Member Lambert act as Chairman for this meeting as Chairman Kovacs and Vice Chairman Clark are both absent.

Yeas: 4 – Bartnik, Courtney, Lambert, Strat
Absent: 3 – Clark, Gies, Kovacs

MOTION TO HAVE DAVID LAMBERT ACT AS CHAIRMAN CARRIED

PRESENT: Kenneth Courtney
David Lambert
Tom Strat
Michael Bartnik

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

ABSENT: Glenn Clark
Marcia Gies
Matthew Kovacs

Motion by Courtney
Supported by Bartnik

MOVED, to excuse Mr. Clark, Ms. Gies and Mr. Kovacs from this meeting for personal reasons.

Yeas: 4 – Lambert, Strat, Bartnik, Courtney
Absent: 3 – Gies, Kovacs, Clark

MOTION TO EXCUSE MR. CLARK, MS. GIES AND MR. KOVACS CARRIED

ITEM #1 – APPROVAL OF MINUTES- MEETING OF OCTOBER 21, 2008 & MEETING OF NOVEMBER 13, 2008

Motion by Courtney
Supported by Strat

MOVED, to approve the minutes of the meeting of October 21, 2008 as written.

J-11

ITEM #1 – con't.

Yeas: 4 – Lambert, Strat, Bartnik, Courtney
Absent: 3 – Clark, Gies, Kovacs

MOTION TO APPROVE THE MINUTES OF OCTOBER 21, 2008 AS WRITTEN CARRIED

Motion by Courtney
Supported by Strat

MOVED, to postpone action on the minutes of the meeting of November 13, 2008 until the meeting of December 16, 2008

- To allow Board members an opportunity to review the minutes as they were not distributed until this evening.

Yeas: 4 – Lambert, Strat, Bartnik, Courtney
Absent: 3 – Kovacs, Clark, Gies

MOTION TO POSTPONE ACTION ON THE MINUTES OF THE MEETING OF NOVEMBER 13, 2008 UNTIL THE MEETING OF DECEMBER 16, 2008 CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5

Mr. Strat asked that Item #3 be pulled for discussion.

Motion by Courtney
Supported by Bartnik

Yeas: 4 – Lambert, Strat, Bartnik, Courtney
Absent: 3 – Clark, Gies, Kovacs

RESOLVED, that Item #4 and Item #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

ITEM #4 – RENEWAL REQUESTED. COLEMAN'S WRECKER SERVICE, 1871 BIRCHWOOD, for relief of the Ordinance to maintain a 7' high obscuring fence in lieu of the required 6' high masonry screen wall along Birchwood.

MOVED, to grant Coleman's Wrecking Service, 1871 Birchwood, a three (3) year renewal for relief to maintain a 7' high obscuring fence in lieu of the 6' high masonry screen wall along Birchwood.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. SCHENCK PEGASUS CORP., 2890 JOHN R., for relief of the 6' high masonry-screening wall required along the east and portion of the north property line.

MOVED, to grant Schenck-Pegasus, 2890 John R., a three (3) year renewal of relief of the 6' high masonry-screening wall required along the east and a portion of the north property line.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #3 – RENEWAL REQUESTED. BURTON-KATZMAN MANAGEMENT, 1100-1174 E. BIG BEAVER, for relief of the Ordinance to permit parking in the front yard of this industrial site.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to locate parking within the front yard setback of an M-1 Zoned site. This variance was originally granted in 1973 because of the large open drain that runs through the back of the site, preventing the installation of parking in the usual rear yard location. This has been granted a renewable variance based upon the premise that if the drain were to be enclosed that the parking could be relocated to a conforming location. This item last appeared before this Board in 2005 and was granted a three (3) year renewal. Conditions remain the same and we have no objections or complaints on file.

Mr. Strat expressed concern that parking right along Big Beaver was not in keeping with what the Planning Commission is trying to accomplish. The Planning Commission would like more shrubbery planted along the road in order to screen the look of the parking lot. Mr. Strat would like to see if the petitioner could add some type of screening.

Mr. Stimac explained that the parking lot in the front of the property goes right to the property line. Mr. Stimac also said that that he does not believe the petitioner would have a lot of room to add this screening. The variance to allow parking in the front setback was granted in part due to the fact that a large drain runs through the back of the property. This variance has been granted until such time as the drain would be enclosed at which time the parking would be moved to the rear of the site. The variance to allow parking in the front setback has been in place for thirty (30) years and as far as he knows, there are not any plans in the immediate future to enclose this drain.

Mr. Strat stated that he had looked at that, but was concerned because the parking abuts the sidewalk, and thought that the petitioner could add some type of trees or landscaping to screen this parking. Mr. Strat also said that there is quite a boulevard between the sidewalk and the road and thought that some type of trees could be planted. Mr. Strat further stated that the Planning Commission is trying to upgrade Big Beaver and would like to see what the petitioner could do to improve this area.

ITEM #3 – con't.

Mr. Courtney asked if it was possible to add screening in this area.

Mr. Stimac stated that based on previous case law, he would caution the Board to require improvements by the petitioner outside their property. Also, there are restrictions on what can be planted in the public right of way. Generally we don't have hedgerows that are located between the sidewalk and the curb in the City of Troy. There are properties that have plantings between the sidewalk and the building, but it would be unusual to have plantings between the sidewalk and the curb.

Mr. Courtney asked if they would be allowed to add any plantings in the right of way if the petitioner wanted to do that.

Mr. Stimac stated that any plantings in the City right of way would be subject to approval by the Parks and Recreation Department. There are plant materials that are permitted in the right of way, but are not usually hedgerows.

Pat Briskey, representing Burton-Katzman was present. Ms. Briskey said that she was not sure where they would be able to add shrubbery as the parking is right up to the sidewalk.

Mr. Strat asked if they would be receptive to planter boxes or something similar to that.

Ms. Briskey asked if annual or seasonal flowers would satisfy Mr. Strat in providing screening for the parking.

Mr. Strat said that he felt planter boxes would improve the look of Big Beaver and asked if the petitioner thought they would be willing to do that and asked if the petitioner had any ideas.

Ms. Briskey suggested a flower bed such as begonias.

Mr. Strat said that he was thinking more of a permanent solution and wanted to make sure it would not be something that would be vandalized. The parking right up to the sidewalk is very unattractive.

Ms. Briskey said that she would talk to the owners and see what they could do to help improve this look.

Mr. Stimac cautioned the Board regarding the placement of planter boxes or structures in the right of way and stated that they would not be allowed in this area.

Mr. Strat suggested that the petitioner could designate some of the parking spaces for compact cars and the planter boxes could be put in that area.

ITEM #3 – con't.

Mr. Stimac stated that the Zoning Ordinance has no provisions for the parking of compact cars in a public parking lot.

Mr. Strat said that he thought the parking bays were quite generous.

Mr. Stimac said that Building Department staff could go out and take a look at the bays to see if there is any extra space that the petitioner could utilize.

Motion by Courtney
Supported by Bartnik

MOVED, to grant Burton-Katzman Management, 1100-1174 E. Big Beaver a two-year (2) renewal of relief of the Ordinance to permit parking in the front yard of this industrial site.

- To allow the petitioner the opportunity to determine if additional screening could be added.
- To allow Building Department staff the opportunity to look at the parking bays to see if any additional space could be utilized for screening.
- Conditions remain the same.
- There are no objections on file.

Yeas: 4 – Strat, Bartnik, Courtney, Lambert
Absent: 3 – Clark, Gies, Kovacs

MOTION TO GRANT RENEWAL FOR TWO-YEARS (2) CARRIED

ITEM #6 – RENEWAL REQUESTED. LIFE CHRISTIAN CHURCH INTERNATIONAL, 3193 ROCHESTER ROAD, for relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening-wall required along a portion of the north and west side of off-street parking. This Board originally granted this relief in 1980. This item last appeared before this Board in October 2005 and was granted a three (3) year renewal. Since that time the church property has been sold from Troy Baptist Church to the current owner. Other than that, conditions remain the same and we have no complaints or objections on file.

This Item first appeared before this Board at the meeting of October 21, 2008 and was postponed to allow the Building Department to send out notices to property owners within 300' of this location to inform them that a renewal was pending. Notices have been sent out.

ITEM #6 – con't.

Mr. Bartnik asked what type of notices had been sent out.

Mr. Stimac explained that Public Hearing notices were sent out to property owners and occupants within 300' of this property. They were notices as to the Board's consideration of granting a renewal. It was not published in the newspaper as it is considered to be a renewal and not a public hearing.

There are two (2) written approvals on file.

Mr. Strat stated that he had a problem with screening along Rochester Road and was wondering if the petitioner would be willing to add some type of screening on the north side of Rochester Road. There is an entrance there and he knows there may be a problem with dirt in that area, but thought that if screening was provided it could be kept within a 30" height limit.

Anton Lasala, Pastor of Life Christian Church was present and said that he didn't see a problem adding landscaping but stated that there is not a lot of room in that area and was concerned that it could impair the visibility of on-coming traffic.

Mr. Strat suggested that the Pastor could work with Building Department staff to see what could be done in this area.

Pastor Lasala said that he would be more than willing to work with Building Department staff.

Mr. Stimac stated that the Building Department was always willing to work with property owners, but did not see how additional landscaping on Rochester Road applied to the request to renew this variance for a wall at the other end of their property.

Pastor Lasala stated that he would be more than willing to work with this Board and asked in exactly what location Mr. Strat would like this shrubbery added.

Mr. Strat said that along Rochester Road and perhaps 20' to 30' east of Rochester Road.

Motion by Bartnik
Supported by Strat

MOVED, to grant Life Christian Church International, 3193 Rochester Road a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

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

ITEM #6 – con't.

- There are no complaints or objections on file.

Yeas: 4 – Bartnik, Courtney, Lambert, Strat
Absent: 3 – Clark, Lambert, Gies

MOTION TO GRANT RENEWAL FOR THREE YEARS CARRIED

ITEM #7 – VARIANCE REQUESTED. BLUE HERON INVESTMENTS, LLC, 2032 E. SQUARE LAKE, for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting relief granted by this Board to delete the 6' high screen wall along the east side of the property, where commercially zoned property abuts Residential zoned property. This item last appeared before this Board at the meeting of October 2005 and was granted a three (3) year renewal.

This Item first appeared before this Board at the meeting of October 21, 2008 and was postponed to allow the Building Department to send out Public Hearings Notices to property owners within 300' of this location, in order that the Board may consider making this a permanent variance. Notices have been sent out and the Public Hearing Notice was published in the newspaper of record.

Mr. Courtney stated that even though the petitioner was not present and asked for a postponement he did not feel it was necessary and felt that the Board could act on this request. This variance has been approved over and over.

Mr. Bartnik stated that this has been in place for a long time and there are no objections on file.

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

There are two (2) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Strat

MOVED, to approve the request of Blue Heron Investments, LLC, 2032 E. Square Lake, for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential property.

- This is a permanent variance.
- There are no objections on file.
- Existing landscaping provides screening.

ITEM #7 – con't.

Yeas: 4 – Bartnik, Courtney, Lambert, Strat
Absent: 3 – Clark, Gies, Kovacs

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals meeting adjourned at 8:01 P.M.

David Lambert – Acting Chairman

Pam Pasternak, Recording Secretary