The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order on Tuesday, February 21, 2006 at 7:30 P.M. in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Wayne Wright

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

ABSENT: Mark Maxwell

Motion by Wright
Supported by Gies

MOVED, to excuse Mr. Maxwell from this meeting for personal reasons.

Yeas: All – 6

MOTION TO EXCUSE MR. MAXWELL CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 17, 2006

Motion by Hutson
Supported by Wright

MOVED, to approve the minutes of the meeting of January 17, 2006 as written.

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

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – RENEWAL REQUESTED. TROY AMERICAN HOUSE, 2300 GRAND HAVEN, for relief of the 4'-6" high masonry wall required along the north and east sides of off-street parking where it is adjacent to residentially zoned property.

Mr. Stimac stated that the petitioner is requesting renewal of a variance granted by this Board in 1997 for relief of the 4'-6" high masonry wall required along the north and east sides of the off-street parking area where it is adjacent to residentially zoned land. This variance was originally approved, based on the fact that there is more than adequate

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ITEM #2 – con't.

room between the parking area and drives and the adjacent residential property to the north and the undeveloped property to the east. This item last appeared before this Board at the meeting of February 2003 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

Mr. Stimac also stated that the property to the east is vacant and until it is developed he feels that a renewal would be the most prudent way to go.

Motion by Courtney
Supported by Wright

MOVED, to grant Troy American House, 2300 Grand Haven, a three (3) year renewal of relief of the 4'-6" high masonry wall required along the north and east sides of the off-street parking area where it is adjacent to residentially zoned land.

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

Yeas: All – 6

MOTION TO GRANT A THREE (3) YEAR RENEWAL CARRIED

ITEM #3 – VARIANCE REQUESTED. WILLIAM NICHOLS, 1080 MINNESOTA, to maintain a shed, constructed without first obtaining the necessary Building Permit, in the front yard setback along Wisconsin. Section 40.56.03 of the Ordinance prohibits the placement of an accessory building in the front yard.

This item last appeared before this Board at the meeting of December 20, 2005 and was postponed to this meeting to allow the petitioner the opportunity to obtain a lot split of his property.

The petitioner was present and gave a letter to the Board asking that this item be postponed until the regular meeting of April 18, 2006, as he has been unable to obtain a lot split at this time.

Motion by Wright
Supported by Courtney

MOVED, to postpone the request of William Nichols, 1080 Minnesota, to maintain a shed, constructed without first obtaining the necessary Building Permit, in the front yard setback along Wisconsin until the meeting of April 18, 2006. Section 40.56.03 of the Ordinance prohibits the placement of an accessory building in the front yard.

- To allow the petitioner the opportunity to obtain a lot split of this property.

ITEM #3 – con't.

Yeas: All – 6

MOTION TO POSTPONE THIS REQUEST UNTIL APRIL 18, 2006 CARRIED

ITEM #4 – VARIANCE REQUESTED. BOYS & GIRLS CLUB OF TROY, 3670 JOHN R (PROPOSED ADDRESS), for relief to construct a new facility with a portion of the building to be constructed 30' in height where Section 30.10.04 of the Ordinance limits the height of building in the R-1C Zoning District to not more than 25' in height.

Mr. Stimac explained that the petitioner is proposing to construct a new community recreational facility at 3670 John R. This property is located in the R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance limits the height of buildings in the R-1C Zoning District to not more than 25' in height. The plans submitted indicate that the gymnasium portion of this building will be 30' in height. The petitioner is asking for approval to allow this taller structure.

The petitioners are also requesting relief of the Ordinance to have parking located at the rear property line where the Ordinance requires a 50' setback from adjacent residentially zoned property; and relief of the required 4'-6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property.

The Board, at the meeting in October 2002, approved the additional height request. The Board approved the parking setback and a wall variance on the east side of the property in November of 2002. Due to the fact that a building permit was not obtained within 12 months of those dates, those variances have expired.

This item last appeared before this Board at the meeting of January 17, 2006 and was postponed to allow the Building Department to re-publish the Public Hearing Notices.

Mr. Hutson said that he remembered the discussion that took place on this item very well and asked if there were any differences between the request in 2002 and this one. Mr. Stimac said that the only difference with this request was that they are asking for relief of the 4'-6" high masonry screen wall required on the north property line. The original plan brought in 2002 did include a masonry screen wall along the north property line. Mr. Hutson said that the Board's main concern was with the height of gymnasium and not the screening walls.

Mr. Kovacs asked Mr. Druskinis, representing the petitioner, why they never moved forward with this project in 2002 and Mr. Druskinis stated that there were financial concerns that made construction impossible. Mr. Kovacs then asked if the Planning Commission had made any recommendations regarding the proposed berms and Mr. Druskinis stated that they had received preliminary site plan approval from the Planning Commission. Mr. Druskinis also said that they believe a berm will be more aesthetically

ITEM #4 – con't.

pleasing and there are several large trees that would have to be removed if the wall is required.

Mr. Druskinis also stated that they had spoken with the property owner adjacent to this berm and they will provide enough drainage so that the residential property will be protected from flooding. They will provide a 1-4 slope.

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

There are no written objections or approvals on file.

Motion by Kovacs
Supported by Wright

MOVED, to grant the Boys & Girls Club of Troy, 3670 John R (proposed address), relief of the Ordinance to construct a new facility with a portion of the building to be constructed 30' in height where Section 30.10.04 of the Ordinance limits the height of building in the R-1C Zoning District to not more than 25' in height and also to have parking located at the rear property line where the Ordinance requires a 50' setback from adjacent residentially zoned property; and relief of the required 4'-6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property for a period of ***one year.***

- One-year time limit applies to the berm in lieu of the wall.
- Berm will be more aesthetically pleasing.
- One-year period will allow Building Department Staff to monitor the upkeep of the berm.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. CHRISTOPHER ENRIGHT ARCHITECTS, 1600 W. MAPLE, for relief of the Ordinance to have a two-way driveway with a width of 19.11' where Section 40.25.03 of the Ordinance requires a minimum 24' wide two-way driveway.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to have a two-way driveway with a width of 19.11', where Section 40.25.03 of the Ordinance requires a minimum 24' wide two-way driveway width. This item first appeared before this Board at the meeting of December 20, 2005 and was postponed until tonight's'

ITEM #5 – con't.

meeting to allow the petitioner the opportunity to present his site plan to the Planning Commission showing a reduction in parking spaces.

The Chairman indicated that the Board had received a letter from this petitioner requesting that this item be withdrawn.

Motion by Courtney
Supported by Wright

MOVED, to accept the withdrawal request of Christopher Enright Architects, 1600 W. Maple, for relief of the Ordinance to have a two-way driveway with a width of 19.11' where Section 40.25.03 of the Ordinance requires a minimum 24' wide two-way driveway.

- Petitioner presented an alternate plan to the Planning Commission that was approved and does not require a variance.

Yeas: All – 6

MOTION TO ACCEPT WITHDRAWAL CARRIED

ITEM #6 – VARIANCE REQUEST. ALLIED METALS CORPORATION, 1750 STEPHENSON, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Troy Ordinance requires that the 50' front yard remain as a landscaped open space. Presently the existing parking lot has a 35' front yard setback and is considered a non-conforming structure. Section 40.50.04 of the Ordinance prohibits expansions of non-conforming structures in any way that increases the non-conformity.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to the parking lot in front of their building. Paragraph L of Section 31.30.00 requires that the 50' front yard remain as a landscaped open space, without vehicular parking spaces and maneuvering aisles. The existing parking lot is located about 35' from the front property line. At the time the parking lot was constructed parking was allowed in the front yard setback. This existing parking area is classified as a non-conforming structure per Section 40.50.04 of the Troy Zoning Ordinance. The site plan submitted indicates a proposed addition to the parking lot that will result in a 24' front setback from the front property line. Section 40.50.04 of the Troy Zoning Ordinance prohibits expansions of non-conforming structures in any way that increases the non-conformity.

Mr. Stimac gave a brief history of this building since 1964 and showed that this parking/drive area has been part of the development from the original construction. The front setback of the building is in line with the other properties along Stephenson.

ITEM #6 – con't.

Presently there is enough room for a single row of parking and a two way drive and the petitioner wants to have a double row of parking in this area, which will result in a 24' front setback.

Mr. Wright asked if the landscaping requirements would still be met if the petitioner received this variance. Mr. Stimac said that the landscaping would comply with the Ordinance in part because of the long strip on the north side of the building.

Mr. Hutson asked about the parking locations for the other businesses in this area, Mr. Stimac explained that other than the restaurant in this location, which has a different zoning classification, and therefore, different setback requirements, the other businesses do not have parking in the 50' front yard setback.

Mr. David Rogers and Mr. Tom Kellogg were present. Mr. Rogers stated that they need the extra parking because their business is growing and they are hiring additional employees. Mr. Kellogg stated that the present parking is not convenient for the office staff and visitors that come to the building. They will still maintain their berm and signs and will not require any other changes.

Mr. Fejes asked how many employees they have and Mr. Rogers said that presently they have 35 employees. Mr. Fejes asked if they meet the parking requirement and Mr. Stimac said that they did although some of their parking area is being used for the outdoor storage of materials. Mr. Fejes asked the petitioner to explain why they needed the additional parking in front of the building and Mr. Rogers again stated that they want this parking available to their office staff. Mr. Fejes then asked what type of business this was and Mr. Rogers said that they deal in scrap metal. Mr. Fejes asked if there were a lot of customers coming in and Mr. Rogers said that although the number varies it could be as much as six or seven.

Mr. Courtney asked why they didn't move some of the material at the side of the building and put in parking. Mr. Rogers said that they would like all of their office staff to park in the front of the building.

Mr. Kellogg stated that they also have a safety issue for the office people and would rather not have them park in the area that the trucks come in.

Mr. Kovacs asked them if they could remove or consolidate some of the outside storage to make more room for parking. Mr. Rogers said that the business is growing and this would not be possible.

Mr. Fejes confirmed that this is a non-conforming site and Mr. Stimac said that right now they have a 35' setback where 50' is required and they are asking to increase the non-conformity.

ITEM #6 – con't.

Mr. Fejes asked if there was any way for them to add the parking without increasing the non-conformity. Mr. Rogers said that he did not believe there was as they need the space for a two-way drive. Mr. Stimac said that the current dimensions of the paved area in the front of the building, only allows for a single loaded row of parking. In order to get a double loaded row of parking spaces and a two-way drive, the parking area needs to be expanded by 11 feet. Mr. Fejes asked what would add to the non-conformity, and Mr. Stimac said that they are planning to take out the landscaping and put in pavement.

Mr. Courtney asked how many parking spaces are available right now. The petitioners were not sure but said that they have a lot more material stored outside than they used to have because their business has grown so much. Mr. Kellogg said that he did not know the exact number of parking spaces now available.

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

There are no written objections or approvals on file.

Mr. Fejes said that he was having a hard time allowing parking in the front setback as he does not believe the petitioner had demonstrated a hardship.

Mr. Kovacs asked how many trucks come in and out of this facility each day. Mr. Rogers said that there are approximately fifteen or twenty trucks each day. Mr. Kovacs then asked if they felt there was enough room in this area for these trucks to maneuver in and if the number of trucks created the safety issue for parking. Mr. Rogers said that they do have material stored out there also.

Mr. Fejes asked how long the petitioner has been in this building and Mr. Rogers said that Allied Metals has been at this location for twelve (12) years.

Mr. Hutson said that when you look at the surrounding properties you can see that with the exception of the Mon Jin Lau restaurant, the other buildings are in line with the parking. Mr. Hutson said that he is not satisfied that the storage cannot be rearranged to increase the number of parking spaces and also is not convinced that the reason for wanting the parking in front is a safety issue.

Mr. Wright said that he worked for a steel company and feels that this is a definite safety issue as they had done a lot of processing of steel, and with parking at the back of the plant it was quite dangerous because of the number of trucks going in and out.

Mr. Courtney stated that before making a decision on this request he would like to see a better presentation of the lay out of the parking. Mr. Courtney did not see a hardship with this request.

ITEM #6 – con't.

Mr. Fejes suggested that the petitioner may want to postpone this request until he can come back to the Board with more information regarding the safety issue and also allow the petitioner to show how many trucks use this property, the times that are the busiest, the maximum number of employees and the time involved for each truck.

Mr. Kellogg stated that he did not know what they would bring back to show the Board. He said that it would be possible to reduce the width of the parking spaces and remove four feet. Mr. Courtney said that he is not interested in making the aisles smaller, he would like more information on the number of parking spaces available, how many employees are employed, how far apart the trucks come in that use this property.

Mr. Stimac suggested that the petitioner explore the possibility of the changing the outside storage in a way that will create more parking and still make maneuvering safe and effective. Mr. Stimac also said that the petitioner could explain what goes on in the building and why outside storage is required at all. He identified that there are a couple of overhead doors on the outside of the building and the petitioner could show how they are used. If all of the outside storage was moved inside there would be a huge increase in the amount of parking spaces.

Mr. Fejes said that they would like a better explanation of what the petitioner does at this property. Mr. Hutson concurred and said that he would be unable to make a good judgment due to the fact that there has not been enough information given to the Board.

Mr. Kovacs suggested that perhaps they could take pictures of this property during their busiest times and show why the parking would be required in the front.

Motion by Courtney
Supported by Wright

MOVED, to postpone the request of Allied Metals Corporation, 1750 Stephenson, for relief of the Ordinance to construct an addition to their front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Troy Ordinance requires that the 50' front yard remain as a landscaped open space until the meeting of March 21, 2006.

- To allow the petitioner the opportunity to present more information to the Board as to the reasons this variance is needed.
- To allow the petitioner the opportunity of a full Board.

Yeas: All – 6

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF MARCH 21, 2006 CARRIED

The Board of Zoning Appeals meeting adjourned at 8:18 P.M.

Christopher Fejes, Chairman

Pamela Pasternak, Recording Secretary