

## **AGENDA**

### **BOARD OF ZONING APPEALS MARCH 20, 2007**

#### **COUNCIL CHAMBERS 7:30 P.M.**

#### **CALL TO ORDER**

#### **ROLL CALL – MOTION TO EXCUSE ABSENT MEMBERS IF NECESSARY**

#### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 20, 2007**

#### **RENEWAL REQUEST**

**ITEM #2 – RENEWAL REQUEST. K-MART, 100 E. MAPLE**, for relief of the Ordinance to allow for an outdoor display of plant material in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk at the west end of the building adjacent to the building.

#### **POSTPONED ITEMS**

**ITEM #3 - VARIANCE REQUEST. SANKARAN BALAKRISHNAN, 1654 LIVERNOIS**, for relief of the Ordinance to construct a new gasoline station service building that would result in a 31.48' front setback where Section 30.20.07 requires a 40' front yard setback; a setback of only 9' from the R-1E (Residential One-Family) property to the northeast, where Section 30.20.07 requires a 75' setback; and 750 square feet of landscaping where Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size.

#### **PUBLIC HEARINGS**

**ITEM #4 – VARIANCE REQUEST. ALLEN ROSTAM, 6595 EDITH**, for relief of the Ordinance to construct an addition to a walk out basement that will result in a 33'-3" rear yard setback, where Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts.

**ITEM #5 – VARIANCE REQUEST. MAZIN AND SENNICAFSU, 3769 MEADOWBROOK**, for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

**ITEM #6 – VARIANCE REQUEST. GARY ABITHEIRA, 727 COLEBROOK (PROPOSED ADDRESS)**, for relief of the Ordinance to construct a new home on an existing 10,000 square foot lot where Section 30.10.04 requires a 10,500 square foot minimum lot area in the R-1C Zoning District.

**ITEM #7 – VARIANCE REQUEST. CHRIS MILLER, 3301 TALBOT,** for relief of the Ordinance to construct a covered front porch that will result with a proposed 23'-4" front setback to the roof support columns where Section 30.10.06 requires a 25' minimum front yard setback in R-!E Zoning Districts.

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

MARCH 20, 2007

2. K-Mart, 100 E. Maple. Petitioner is requesting renewal of a variance granted by this Board on a yearly basis since 1978, which allows for an outdoor display of plant materials in front of K-Mart along the north side of the fenced area and four-foot section of the sidewalk adjacent to the building, at the west end of the building. This display area is used for plants and flowers, and the variance is valid during the months of April through July. This request has previously been subject to the petitioner providing a corral type fence to both enclose the area of the display and maintain a safe sidewalk at the same time. This item last appeared before this Board at the meeting of March 15, 2005 and was granted a one-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

3. Sankaran Balakrishnan, 1654 Livernois. Petitioner is requesting relief of the Zoning Ordinance to construct a new gasoline station service building. Section 30.20.07 requires a 40' front yard setback and a 75' setback from residential zoned property for developments in the H-S (Highway Service) Zoning District. The site plan submitted indicates a front yard setback of 31.48' to the west property line along Livernois and a setback of only 9' from the R-1E (Residential One-Family) Zoned property to the northeast.

In addition, Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size. The site plan submitted indicates that only 750 square feet of countable landscaping will be provided.

This item first appeared before this Board at the meeting of February 20, 2007 and was postponed to allow the petitioner to present a new site plan showing the proposed driveway and a landscaping plan to the Board.

Since that meeting we have received revised plans for the development. These revised plans show that additional landscape area has been added. The plans with the additional landscape area shows that they would now be in compliance with the minimum area of landscaping required on this site. The other variance requests regarding the front setback and setback from residential remain the same.

4. Allen Rostam, 6595 Edith. Petitioner is requesting relief of the Ordinance to construct an addition to an existing home. This addition is at the level of the walkout basement and includes an open patio above with a proposed 33'-3" rear yard setback. Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts.

5. Mazin & Sennica Nafsu, 3769 Meadowbrook. Petitioners are seeking approval under Section 43.74.00 to park a commercial vehicle outside on residential property. The Ford cube van does not meet the exceptions as described in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

MARCH 20, 2007

5. con't. A similar request was approved by City Council under the previously adopted criteria on February 23, 2004 for a period of two years. Copies of the minutes from that meeting are included for your reference.

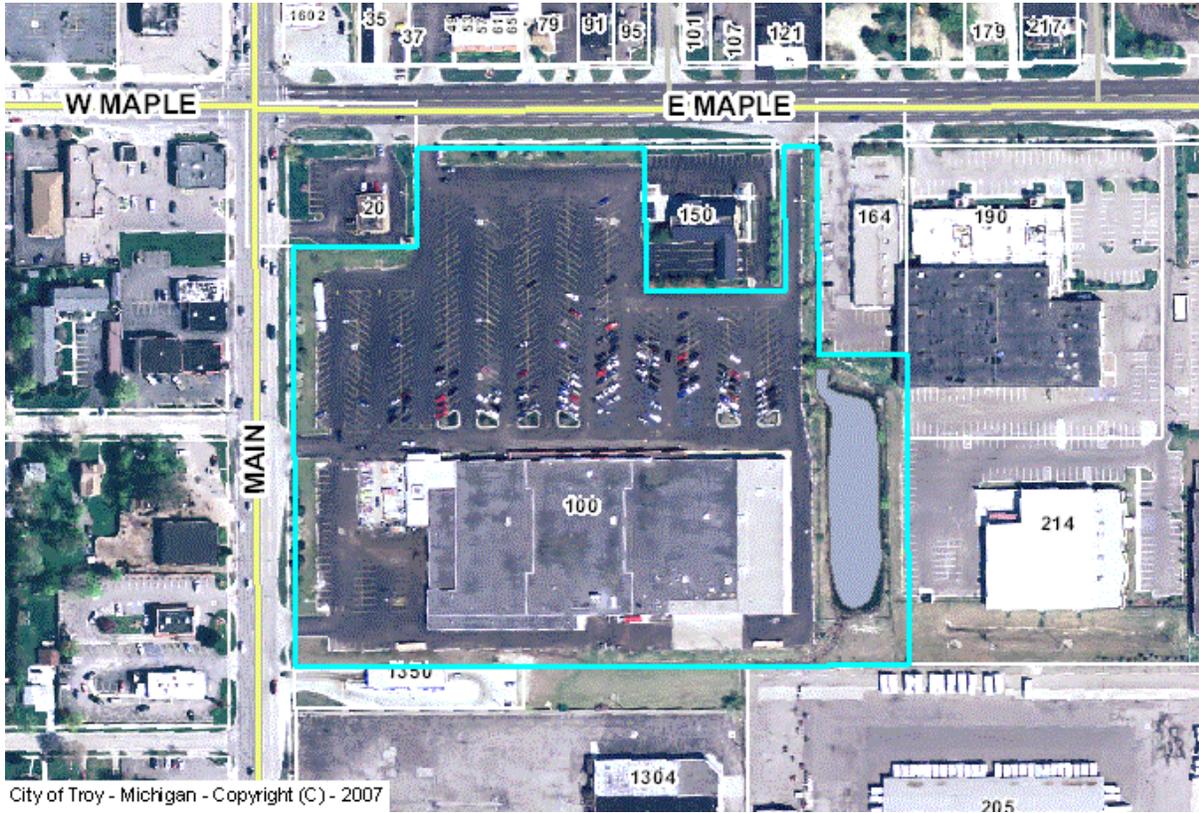
The site in question is approximately 12,500 square feet in area and has a home that has 1,302 square feet of living space on the first floor with a 420 square foot attached garage. A detached garage could be constructed up to 700 square feet in area. Another 556 square feet of attached garage could also be constructed on the site.

6. Gary Abitheira, 727 Colebrook (proposed address). Petitioner is requesting relief of the Ordinance to construct a new home. The site plan submitted indicates construction of this new home on an existing 10,000 square foot platted lot where Section 30.10.04 requires a 10,500 square foot minimum lot area in the R-1C Zoning District.

Records show this property is in single ownership with the adjacent property at 715 Colebrook that is also on a 10,000 square foot platted lot. Section 40.50.02 requires that lots with continuous frontage in single ownership that do not by themselves meet minimum lot area requirements be considered one undivided parcel. The conversion of these parcels into separate ownership and construction of an additional home on this lot is in violation of the Ordinance.

7. Chris Miller, 3301 Talbot. Petitioner is requesting relief of the Ordinance to construct a covered front porch as part of additions on an existing single family home. The site plan submitted indicates the construction of a covered front porch with a proposed 23'-4" front setback to the roof support columns. Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

**ITEM #2 – 100 E. MAPLE**



**ITEM #3 – 1654 LIVERNOIS**



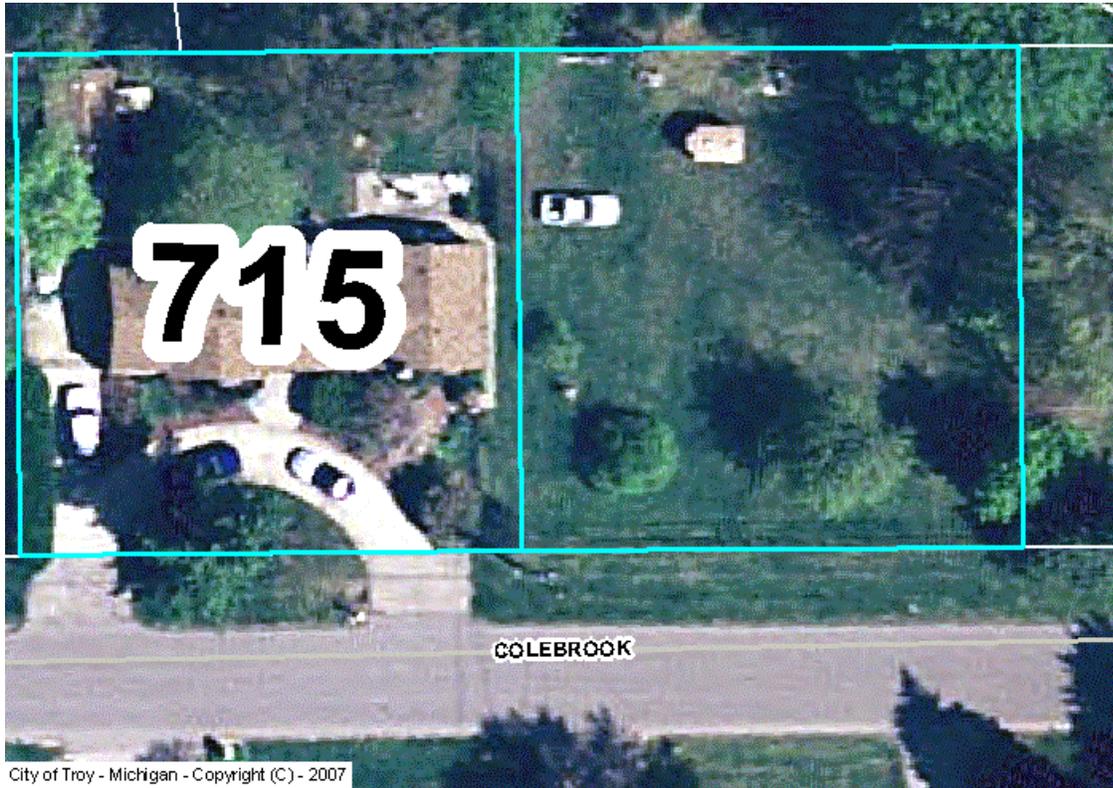
**ITEM #4 – 6595 EDITH**



**ITEM #5 – 3769 MEADOWBROOK**



**ITEM #6 – 727 COLEBROOK**



**ITEM #7 – 3301 TALBOT**

