

**AGENDA**

**BOARD OF ZONING APPEALS  
JANUARY 17, 2006**

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

**CALL TO ORDER**

**ROLL CALL**

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 20, 2005**

**RENEWAL ITEMS**

**APPROVAL OF ITEMS #2 THROUGH #4**

**ITEM #2 - RENEWAL REQUESTED. KOREAN UNITED METHODIST CHURCH, 42693 DEQUINDRE**, for renewal of relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall required along the south side of off-street parking.

SUGGESTED RESOLUTION. To grant the Korean United Methodist Church, 42693 Dequindre, a three (3) year renewal of relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall required along the south side of off-street parking.

**ITEM #3 – RENEWAL REQUESTED. SIEMENS AUTOMOTIVE, 4685 INVESTMENT DRIVE**, for relief to maintain a landscaped berm along the west and south sides of the site where a 6' high decorative masonry screen wall is required.

SUGGESTED RESOLUTION. To grant Siemens Automotive, 4685 Investment Drive, a three (3) year renewal of relief to maintain a 5' high landscaped berm along the west and south sides of the site where a 6' high decorative masonry screen wall is required.

**ITEM #4– RENEWAL REQUESTED. DANIEL LESKE, DDS, 5895 JOHN R.**, for renewal of relief of the 4'-6" high masonry wall required along the south property line and the 6' high masonry screening wall required along the west property line where the site abuts residential property.

SUGGESTED RESOLUTION. To grant Daniel Leske, DDS, 5895 John R., a three (3) year renewal of relief of the 4'-6" high masonry wall required along the south property line and the 6' high masonry screening wall required along the west property line where the site abuts residential property.

## **POSTPONED ITEMS**

**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.

**ITEM #6 – VARIANCE REQUEST. TROY CHRISTIAN CHAPEL, 400 E. LONG LAKE**, for relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning.

**ITEM #7 – VARIANCE REQUEST. PIERRE HARIK, 690 SYLVANWOOD**, for relief of the Ordinance to split an existing parcel of land into two lots that will result in a lot width of 77.31' for each parcel. This property is located in the R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' for single family homes in this Zoning District.

## **PUBLIC HEARINGS**

**ITEM #8 – VARIANCE REQUEST. K 4 ARCHITECTURE LLC, 734 W. LONG LAKE, (PROPOSED ADDRESS)**, for relief of the Ordinance to construct a new branch bank that will result in parking within 20' of the front property line along Long Lake Road, where Paragraph L of Section 31.30.00 requires a 50' front setback free of parking and maneuvering lanes to be provided in the R-1C Zoning District.

**ITEM #9 – VARIANCE REQUEST. JOHN SECCO, 977 E. FOURTEEN MILE**, for relief of the Ordinance to alter an existing building that will result in a parking lot that is proposed to be only 10' from the proposed 75' right of way line of Fourteen Mile, where Paragraph L of Section 31.30.00 requires a 50' front yard setback free of parking or maneuvering aisles.

**ITEM #10 – VARIANCE REQUEST. 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.

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 property line between the parking lot and the adjacent residentially zoned property.

**ITEM #11 – INTERPRETATION REQUEST. JIM MCCAULEY, REPRESENTING THE SHALLOWBROOK SUBDIVISION HOMEOWNERS ASSOCIATION, REGARDING THE PROPOSED BRIGGS PARK CONDOMINIUMS**, for an interpretation on the validity of a site plan approval for the Briggs Park Condominium Development granted by the Planning Commission under the R-1T (One-Family Attached Residential) provisions of the Troy Zoning Ordinance.

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**RESOLVED**, that Items #2 through #4 (with the exception of Item(s)) are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by  
Supported by

2. Korean United Methodist Church, 42693 Dequindre. Petitioner is requesting renewal of relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall required along the south side of off-street parking. This Board originally granted this relief in October 1987 with the stipulation that a substantial planting of trees and shrubs, enough to protect against motorcycles and snowmobiles, be included in the berm construction. This item last appeared before this Board at the meeting of January 2003 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Korean United Methodist Church, 42693 Dequindre, a three (3) year renewal of relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall required along the south side of off-street parking.

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

3. Siemens Automotive, 4685 Investment Dr. Petitioner is requesting renewal of a variance granted by this Board for relief to maintain a landscaped berm along the south and west sides of the site where a 6' high decorative masonry screen wall is required. This item last appeared before this Board at the meeting of December 2003 and was granted a renewal until January 2006. Conditions remain the same and there are no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Siemens Automotive, 4685 Investment Drive, a three (3) year renewal of relief to maintain a landscaped berm along the south and west sides of the site where a 6' high decorative masonry screen wall is required.

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

4. Daniel Leske, DDS, 5895 John R. Petitioner is requesting renewal of a variance granted by this Board, for relief of the 4'-6" high masonry wall required along the south property line. This relief was originally granted in 1990, primarily based on the fact that the property to the south, the Day Care center, had already installed a wood fence. Petitioner is also requesting renewal of relief of the 6' high masonry-screening wall required along the west property line abutting residential. This relief has been granted on a yearly basis since 1982, based on a natural screening along the property line. This

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4. (con't.) item last appeared before this Board in January 2003 and was granted a three (3) year variance. Conditions remain the same, and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Daniel Leske, DDS, 5895 John R., a three (3) year renewal for relief of the 4'-6" high masonry wall required along the south property line; and a three (3) year renewal of relief of the 6' high masonry screening wall required along the west property line abutting residential.

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

5. Christopher Enright Architects, 1600 W. Maple. 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 meeting to allow the petitioner the opportunity to present his site plan to the Planning Commission showing a reduction in parking spaces.

6. Troy Christian Chapel, 400 E. Long Lake. Petitioner is requesting relief to maintain a fence and landscaped berm in lieu of the required 4-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning. A variance has been granted on this property since 1986. This item last appeared before this Board at the meeting of December 20, 2005 and was postponed to allow the Building Department to publish Public Hearing Notices in order to consider making this a permanent variance. Those hearing notices have now been sent.

7. Pierre Harik, 690 Sylvanwood. Petitioner is requesting relief of the Ordinance to split an existing parcel of land into two lots that will result in a lot width of 77.31' for each parcel. This property is located in the R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' for single-family home sites in this Zoning District.

This item last appeared before this Board at the meeting of December 20, 2005 and was postponed at the request of the petitioner to this meeting to allow him the opportunity of a full Board.

8. Marcos Makohon, K4 Architecture, 734 W. Long Lake. Petitioner is requesting relief of the Ordinance to construct a new branch bank. The property in question is in the R-C (Research Center) Zoning District. The existing office building on the site was constructed at a time that the site was zoned in the O-M (Office Mid-Rise) Zoning classification. Paragraph L of Section 31.30.00 requires a 50' front setback free of parking and maneuvering lanes be provided in the R-C Zoning District. The site plan submitted indicates parking within 20' of the front property line along Long Lake Road.

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9. John Secco, 977 E. Fourteen Mile. Petitioner is requesting relief of the Ordinance to alter an existing building. The petitioner has submitted an application to rezone a portion of this property from the current B-3 (General Business) Zoning Classification to the M-1 (Light Industrial) Zoning Classification. If this request is successful, Paragraph L of Section 31.30.00 would require a 50' front yard setback free of parking or maneuvering aisles. The site plan submitted indicates the installation of a new parking lot and drive that is proposed to be only 10' from the proposed right of way line of Fourteen Mile Road.

10. Boys and Girls Club of Troy, 3670 John R., (proposed address). Petitioner is proposing to construct a new 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 of a parking lot from adjacent residentially zoned property; and relief of the required 4'-6" high masonry screen wall required along the east property line between the parking lot and the adjacent residentially zoned property.

The additional height request was approved by the Board at the meeting in October 2002 and the parking setback and wall variances were approved by the Board 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.

11. Jim McCauley, representing the Shallowbrook Subdivision Homeowners Association, regarding the proposed Briggs Park Condominiums. Petitioner is requesting interpretation on the validity of a site plan approval for the Briggs Park Condominium Development granted by the Planning Commission under the R-1T (One-Family Attached Residential) provisions of the Troy Zoning Ordinance.

Specifically, the application asks for determination of the following:

- A. Extent of provisions for public streets as required by Section 12.50.04
- B. Whether the provisions for minimum perimeter setbacks required by Section 12.50.08 are from the property line or a zoning boundary line.
- C. Whether the provision of 15% minimum open space area required by Section 12.60.02 can include land on the property that is in the R-1C Zoning Classification.

On December 13, 2005, the Troy Planning Commission approved a site plan for the development of a parcel of land on the east side of Rochester Road, north of Lamb Road. A majority of that parcel is in the R-1T (One-Family Attached Residential) Zoning District. A portion of the property along the east side, of varying width, is in the R-1C (One-Family Residential) Zoning District. The R-1T zoned portion of the property is

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11. (con't) 10.5 acres and the R-1C portion is 1.72 acres. The approved site plan is for a residential development with 54 attached condominium units in 3 and 4 unit buildings.

Section 12.50.04 of the Zoning Ordinance regarding access states, in part:

*Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements.*

The approved plan indicates that the western approximately 160' of the access off of Rochester will be a public street within a 60' public right of way. All other roads within the development are proposed to be private streets within 40' wide easements. The petitioner is asking for an interpretation as to whether this design meets the requirements of Section 12.50.04 of the Ordinance.

The approved plans also show proposed buildings located on the east side of the property right up against the zoning boundary of the R-1C zoned portion of the property. Section 12.50.08 states that developments shall maintain a perimeter rear yard setback of 40' adjacent to R-1C property. The Planning Commission approved the plan based upon the setback being measured to the east property line. The petitioner is asking for an interpretation that this setback and subsequent required yard should be measured to the zoning boundary line.

The petitioner further requests interpretation on the requirements of Section 12.60.02. That section states:

*Within any yard setback or area between buildings, an area equivalent to seventy (70) percent of any required yard or any required minimum area between buildings, must be landscaped and developed as usable open space or recreation area available to the residents of the proposed development, and further, said area shall be kept free of all vehicular uses. These and other open space areas on the site (excluding areas used for thoroughfare screening) shall comprise at least fifteen (15) percent of the site area.*

The petitioner asks for an interpretation as to whether the R-1C Zoned portion of the site can be used for any portion of the required open space.