

AGENDA

**BOARD OF ZONING APPEALS
MARCH 21, 2006**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 21, 2006

RENEWAL ITEMS

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

ITEM #3 – RENEWAL REQUESTED. K-MART, 100 E. MAPLE, for relief which will allow for an outdoor display of plant material, during the months of April through July, 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.

SUGGESTED RESOLUTION. To grant K-Mart, 100 E. Maple, a one (1) year renewal of relief which will allow for an outdoor display of plant material, during the months of April through July, 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.

ITEM #4 – RENEWAL REQUESTED. S.O.C. CREDIT UNION, 4555 INVESTMENT DR., for relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line.

SUGGESTED RESOLUTION. To grant S.O.C. Credit Union, 4555 Investment Dr., a three (3) year renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line.

ITEM #5 – RENEWAL REQUESTED. ST. GEORGE ORTHODOX CHURCH, 2160 E. MAPLE, for relief to maintain a 5' high landscaped berm along the south and east property lines in place of the 4'-6" high masonry screening wall; and relief of the 4'-6" high masonry wall required along the west side of off-street parking where it is adjacent to residentially zoned land.

ITEM #5 – con't.

SUGGESTED RESOLUTION. To grant St. George Orthodox Church, 2160 E. Maple, a three (3) year renewal of relief to maintain a 5' high landscaped berm along the south and east property lines in place of the 4'-6" high masonry screening wall; and relief of the 4'-6" high masonry wall required along the west side of off-street parking where it is adjacent to residentially zoned land.

POSTPONED ITEMS

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.

PUBLIC HEARINGS

ITEM #7 – VARIANCE REQUEST. SAIF JAMEEL, 3031 CROOKS RD., for relief of the Ordinance to construct a new commercial building on a site which is .51 acres in size, where Section 23.25.01 of the Troy Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District.

ITEM #8 – VARIANCE REQUEST. METRO PCS, 4031 JOHN R., on the request from Metro PCS for approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 4031 John R. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

ITEM #9 – VARIANCE REQUEST. METRO PCS, 203 LOWRY, on the request from Metro PCS for approval to install a 75' tall temporary antenna for a six-month time period along side the existing communication tower located at 203 Lowry. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

ITEM #10 – VARIANCE REQUEST. METRO PCS, 200 E. WATTLES, for approval to install a 75' tall temporary antenna for a six-month time period at 200 E. Wattles. Section 43.80.00 of the Zoning Ordinance allows the Board of Zoning Appeals to permit temporary structures for permitted uses for periods not to exceed two years.

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2. RESOLVED, that Items #3 through #5 (with the exception of Item(s) _____) are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by

Supported by

3. Kmart, 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 Kmart along the north side of the fenced area and four-foot section of the sidewalk, at the west end of the building, adjacent to the building. This display is used for plants and flowers, and the variance is valid during the months of April through July. This request has 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.

SUGGESTED RESOLUTION. MOVED, to grant Kmart, 100 E. Maple, a one-year (1) renewal of a variance which will allow for an outdoor display of plant material, during the months of April through July, in front of Kmart 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.

4. S.O.C. Credit Union, 4555 Investment Dr. Petitioner is requesting renewal of a variance granted by this Board since 1987 to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning. The berm is in place and landscaping has been completed and it appears to adequately screen the sites from the south. This item last appeared before this Board at the meeting of March 18, 2003 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant S.O.C. Credit Union, 4555 Investment Dr., a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning.

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

5. St. George Orthodox Church, 2160 E. Maple. Petitioner is requesting renewal of a variance granted by this Board since February 1993, which allowed for the construction of a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall, along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line. The relief was originally granted based on the fact that the property to the west is a non-residential use under the terms of a consent judgment and the neighbors

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5. - con't.

to the south and east preferred a berm in lieu of a wall. This item last appeared before this Board at the meeting of March 18, 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.

SUGGESTED RESOLUTION. MOVED, to grant St. George Orthodox Church, 2160 E. Maple, a three (3) year renewal of relief to maintain a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall, along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line where the parking lot is adjacent to residentially zoned land.

- Property to the west is a non-residential use under the terms of a consent judgment.
- Neighbors on the east and the south prefer a berm in lieu of a wall.

6. Allied Metals Corporation, 1750 Stephenson. 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.

This item last appeared before this Board at the meeting of February 21, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present detailed plans regarding this variance request.

7. Saif Jameel, 3031 Crooks (proposed address). Petitioner is requesting relief of the Ordinance to construct a new commercial building. A majority of this property is located within the H-S (Highway Service) Zoning District. The plans submitted indicate that the development will include a drive-up window accessory to the restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is only .51 acres in size.

8. Metro PCS, 4031 John R. Petitioner is requesting relief of the Ordinance to install a portable antenna facility alongside the existing tower facility located on this parcel. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. Wireless telecommunication services from Metro PCS are proposed to be made available to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility will

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8. - con't.

not be ready at that time. Petitioners are requesting a temporary permit until the permanent antenna facility can be turned on. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses for a time frame not to exceed two years.

9. Metro PCS, 203 Lowry. Petitioners are requesting relief of the Ordinance for the installation of a portable antenna facility at this location. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. Wireless telecommunication services from Metro PCS are proposed to be made available to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility will not be ready at that time. Petitioners are requesting a permit for a temporary tower until the permanent antenna facility can be turned on. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses for a time frame not to exceed two years.

10. Metro PCS, 200 E. Wattles. Petitioners are requesting relief of the Ordinance for the installation of a portable antenna facility at this location. The temporary tower is a trailer-mounted antenna that will operate off of a portable generator. This petitioner will provide wireless telecommunication service to the Detroit Metropolitan area on March 31, 2006. The permanent antenna location, which is proposed to be collocated on the existing tower facility on the adjacent property at 3838 Livernois, will not be ready at that time. Petitioners are requesting a temporary permit until the permanent antenna facility can be turned on. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses for a time frame not to exceed two years.