

**AGENDA**

**BOARD OF ZONING APPEALS  
MAY 16, 2006**

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

**CALL TO ORDER**

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 18, 2006**

**RENEWAL ITEMS**

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #6**

**ITEM #3 – RENEWAL REQUESTED. MARY MCCLEAN, LIBERTY PROPERTY TRUST, 2600 & 2710 BELLINGHAM**, for relief of the Ordinance to maintain a 6' high berm in lieu of the 6' high masonry-screening wall.

SUGGESTED RESOLUTION. MOVED, to grant Mary McClean, Liberty Property Trust, 2600 & 2710 Bellingham a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall.

**ITEM #4 – RENEWAL REQUESTED. SAN MARINO SOCIAL CLUB, 1685 E. BIG BEAVER**, for relief of the Ordinance of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north.

SUGGESTED RESOLUTION. MOVED, to grant San Marino Social Club, 1685 E. Big Beaver, a three-year (3) renewal of relief of the 6' high masonry-screening wall required on the property that is adjacent to the residential zoned district to the north.

**ITEM #5 – RENEWAL REQUESTED. BIG BEAVER UNITED METHODIST CHURCH, 3753 JOHN R.**, for relief of the 4'-6" high masonry wall required along the north, east and west sides of off-street parking.

SUGGESTED RESOLUTION. MOVED, to grant Big Beaver United Methodist Church, 3753 John R., a three-year (3) renewal of relief of the 4'-6" high masonry wall required along the north, east and west sides of off-street parking.

**ITEM #6 – RENEWAL REQUESTED. ST. ANASTASIA CHURCH, 4571 JOHN R.**, for relief to maintain a berm in lieu of the 4'-6" high obscuring wall between the parking lot and adjacent residential property.

**ITEM #6 – con't.**

SUGGESTED RESOLUTION. MOVED, to grant St. Anastasia Church, 4571 John R. a three –year (3) renewal of relief to maintain a berm in lieu of the 4'-6" high obscuring wall between the parking lot and adjacent residential property.

**POSTPONED ITEMS**

**ITEM #7 - INTERPRETATION REQUEST. SIDNEY FRANK, REPRESENTING GABECARE DIRECT RX, 1179 MAPLELAWN**, for an interpretation that a doctor's office is an accessory use permitted in the M-1 (Light Industrial) Zoning district per Section 28.25.01 of the Troy Zoning Ordinance.

**ITEM #8 – VARIANCE REQUEST. MR. & MRS. WILLIAM NICHOLS, 1080 MINNESOTA**, to maintain a shed in the front yard setback along Wisconsin where Section 40.56.02 requires a rear yard location.

**PUBLIC HEARINGS**

**ITEM #9 – VARIANCE REQUEST. MR. & MRS. ROSS REYNOLDS, 364 HICKORY**, for relief of the Ordinance to split an existing parcel of property into two lots that will not meet the minimum lot width or lot area requirements of Section 30.10.06.

**ITEM #10 – VARIANCE REQUEST. MR. VLADIMIR RRUSHI, 27 STARR (PROPOSED ADDRESS)**, for relief of the Ordinance to construct a single-family home on an existing 50' wide parcel where Section 30.10.06 requires a 60' minimum lot width.

**ITEM #11 – VARIANCE REQUEST. MR. JEFF DUNCAN, 6730 WESTAWAY**, for relief of the ordinance to construct an addition that will result in a 29' front setback to the front wall of the home and a 32' front setback to an expanded covered porch where Section 30.10.02 requires a 40' minimum front yard setback. Also, to extend an existing wall of the home that has a non-conforming side yard setback.

**ITEM #12 – VARIANCE REQUEST. ANDRAOS KATTOUAH, 3410 ROCHESTER ROAD (proposed address)**, for relief of the Ordinance to construct a new gas station at the intersection of Charrington and Rochester Road that will result in a 30' rear yard setback to the abutting residential property where Section 31.30.00 requires a 75' setback.

**ITEM #13 – VARIANCE REQUEST. GARY ABITHEIRA, 3367 ELLENBORO**, for relief of the Ordinance to split an existing parcel of land that will result in two lots each with a lot area of 7320 square feet where Section 30.10.06 of the Zoning Ordinance requires 7500 square feet of lot area.

**ITEM #14 – VARIANCE REQUEST. BRIAN SHARRAK, 6969 ROCHESTER (proposed address),** for relief of the ordinance to construct a new gas station at the southwest corner of the intersection of Rochester Road and South Boulevard with a 0' side and rear yard setback where Section 30.20.07 requires a 30' rear yard, and a 20' side yard setback. Also, to have a 200 square foot loading space where Section 40.40.00 requires 500 square feet. Finally, to have 240 square feet of landscaping where Section 39.70.04 requires a minimum of 1,953 square feet of landscaping.

**ITEM #15 – VARIANCE REQUEST. BENNY SPIELMANN, 2963 INDUSTRIAL ROW,** for relief of the Ordinance to construct a building addition and new parking lot with the parking lot right up to the front property line along Coolidge and within 5' of the front property line along Industrial Row where Paragraph L of Section 31.30.00 requires that the 50' front yard required in the M-1 (Light Industrial) Zoning District remain free of parking and maneuvering lanes. Further, relief of the 10' greenbelt required by Section 39.70.02. Finally, to have 867 square feet of landscaping where Section 39.70.04 requires a minimum of 3,993 square feet of landscaping.

#### **OTHER BUSINESS**

**ITEM #16 – ELECTION OF OFFICERS.**

## AGENDA EXPLANATION

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**2. RESOLVED**, that Items #3 through #6 (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. Liberty Property Trust, 2600 & 2710 Bellingham. Petitioner is requesting relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required where this property abuts residentially zoned land. This Board first granted this relief in May 2000. This item last appeared before this Board at the meeting of May 2003 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

**SUGGESTED RESOLUTION.** To grant Liberty Property Trust, 2600 and 2710 Bellingham a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall, which is required along the east property line where it abuts residentially zoned property.

- Conditions remain the same.
- We have no complaints or objections on file.

4. San Marino Social Club, 1685 E. Big Beaver. Petitioner is requesting relief of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north. This relief has been granted on a yearly basis since 1976, primarily due to the fact that the adjacent residential property is undeveloped and owned by the petitioner. This item last appeared before this Board at the meeting of May 2003 and was granted a three-year (3) renewal at that time.

**SUGGESTED RESOLUTION.** To grant San Marino Social Club, 1685 E. Big Beaver, a three-year (3) renewal of relief of the 6' high masonry-screening wall required adjacent to the residential zoned property to the north.

- Conditions remain the same.
- We have no complaints or objections on file.

5. Big Beaver United Methodist Church, 3753 John R. Petitioner is requesting renewal of relief of a 4'-6" high masonry wall required along the north, east and west sides of off-street parking. This Board has granted this relief on a yearly basis since 1994 based on the fact that the wooded areas provide a natural screening and a variance would not cause an adverse effect to the properties in the immediate vicinity. This item last appeared before this Board at the meeting of May 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.

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#### 5. con't.

SUGGESTED RESOLUTION. To grant Big Beaver United Methodist Church, 3753 John R., a three-year (3) renewal of relief to maintain a 4'-6" high masonry wall required along the north, east and west sides of off-street parking.

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

6. St. Anastasia Church, 4571 John R. Petitioner is requesting relief granted by this Board to maintain landscaping in lieu of the 4'-6" high obscuring wall between the parking lot and adjacent residential property to the north.

SUGGESTED RESOLUTION. To grant St. Anastasia Church, 4571 John R. a three-year (3) renewal of relief to maintain a landscaping in lieu of the 4'-6" high obscuring wall between the parking lot and adjacent residential property.

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

7. Sidney Frank, representing GabeCare Direct RX, 1179 Maplelawn. Petitioner is requesting an interpretation that a doctor's office is an accessory use permitted in the M-1 (Light Industrial) Zoning District per Section 28.25.01 of the Troy Zoning Ordinance. The petitioner operates a prescription drug distribution facility in the M-1 Zoning District. This use complies with the principal permitted uses per Section 28.20.09 of the Zoning Ordinance. For some of the activities that the business does, the services of a licensed physician are required. The physician that provides these services has opened an office on site providing family practice services to patients. Some of these patients (approximately 35% per discussions with the petitioner) have no connection to the prescription drug distribution business. This activity has been determined to not be included within the permitted uses of the M-1 District. The petitioners are asking for an interpretation that this use is permitted per the provisions of Section 28.25.01.

This item last appeared before this Board at the meeting of April 18, 2006 and was postponed at the request of the petitioner, to allow the petitioner to explore the possibility of finding a location that will comply with the Ordinance.

8. William Nicholas, 1080 Minnesota. Petitioner is requesting relief of the Ordinance to maintain a shed constructed in the front yard setback along Wisconsin. This lot is a double front corner lot. As such, it has a front yard setback along both Minnesota and Wisconsin. The site plan submitted indicates that a shed has been constructed without first obtaining the necessary Building Permit in the required front yard setback, 8 feet from the property line along Wisconsin. Section 40.56.03 of the Ordinance prohibits the placement of an accessory building in a front yard.

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8. con't. This request last appeared before this Board at the meeting of April 18, 2006 and was postponed to allow the petitioner the opportunity to obtain a lot split. The property has now been split.

9. Ross & Elizabeth Reynolds, 364 Hickory. Petitioners are requesting relief of the Ordinance to split an existing parcel of property that will result in two lots that will not meet either minimum lot width or minimum area requirements. The resultant lots will be 49.4' and 50' wide where Section 30.10.06 requires a lot width of at least 60', and only 6,455 square feet and 6,500 square feet where a minimum of 7,500 square feet is required.

In 1991 a variance request was made on a larger parcel, which included this property. That request was to split the larger parcel into three parcels 53.5' wide. That request was denied. The owner subsequently split off one conforming lot. The current petition is to split the remainder of the parcel into two smaller lots.

10. Vladimir Rrushi, 27 Starr (proposed address). Petitioner is requesting relief of the Ordinance to construct a single-family residence. The site plan submitted indicates building the home on an existing 50' wide parcel where Section 30.10.06 requires a 60' minimum lot width. At the time of the adoption of the Troy Zoning Ordinance, this lot was under common ownership with the adjacent lots. Considering these lots combined, as required by Section 40.50.02, the parcel conformed. At some time after, this one lot was sold off to an independent owner. That created a non-conforming parcel. The petitioner is requesting approval to construct a new single-family home on the property.

11. Jeff Duncan, 6730 Westaway. Petitioner is requesting relief of the Ordinance to construct an addition to his home. The plot plan submitted indicates a 29' front setback to the proposed addition and a 32' front setback to the proposed covered porch. Section 30.10.02 requires a 40' minimum front yard setback in R-1B Zoning Districts. In addition, this home has a side yard setback of 1.7' where a 10' minimum side yard setback is required by Section 30.10.02. As such it is a legal non-conforming structure. The petitioner proposes increasing the height of this sidewall from 7' to 8'. This work is deemed to be the expansion of a non-conforming structure prohibited by Section 40.50.04.

12. Andraos Kattouah, 3410 Rochester Road (proposed address). Petitioner is requesting relief of the Ordinance to construct a new gas station building at the northeast corner of the intersection of Charrington and Rochester Road. Paragraph G of Section 31.30.00 requires a 75' setback from any property line that abuts a residentially zoned district. The property to the east (rear) of this site is in the R-1C (One-Family Residential) Zoning District. The site plan submitted indicates a setback of only 30' to this property line.

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13. Gary Abitheira, 3367 Ellenboro. Petitioner is requesting relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7500 square feet lot area in the R-1E Zoning District.

14. Brian Sharrak, 6969 Rochester Road (proposed address). Petitioner is requesting relief of the Ordinance to construct a new gas station building at the southwest corner of the intersection of South Boulevard and Rochester Road. Section 30.20.07 requires a 30' rear yard setback. The site plan submitted indicates that the building would be constructed right up to the west property line. This Section also requires a 20' side yard. The building is proposed to be right up to the south property line.

Section 40.40.00 requires that loading spaces be a minimum dimension of 10' x 50' or 500 square feet. The loading space is shown with a dimension of 10' x 20' or 200 square feet.

Section 39.70.04 requires a minimum of 1,953 square feet of landscaping in addition to a 10' greenbelt along the road for a site this size. The petitioners are proposing to request approval from the Planning Commission to use the alternative 30" high brick wall for the greenbelt permitted by Section 39.70.02, however, the site plan submitted shows only about 240 square feet of landscape area.

15. Benny Spielmann, 2963 Industrial Row. Petitioner is requesting relief of the Ordinance to construct a building addition and new parking lot on the site of an existing industrial building. The plans show the construction of a new parking lot right up to the front property line along Coolidge and within 5' of the front property line along Industrial Row. Paragraph L of Section 31.30.00 requires that the 50' front yard required in the M-1 (Light Industrial) Zoning District remain free of parking and maneuvering lanes. Since these parking areas will be so close to the property lines, there is also no 10' greenbelt as required by Section 39.70.02 shown on the plans.

Further, Section 39.70.04 requires a minimum of 3,993 square feet of landscaping in addition to the 10' greenbelt along the road frontage for a site this size. The plans show only about 867 square feet of landscaping.

16. Election of Chairman and Vice-Chairman for the Board of Zoning Appeals for 2006/2007.