

AGENDA

**BOARD OF ZONING APPEALS
JUNE 20, 2006**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 16, 2006

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 AND ITEM #4

ITEM #3 – RENEWAL REQUEST. THE LUTHERAN CHURCH OF THE MASTER, 3333 COOLIDGE, for relief of the Ordinance to maintain a berm along the west side of off-street parking in lieu of the required 4'-6" high masonry screening wall.

SUGGESTED RESOLUTION. To grant The Lutheran Church of the Master, 3333 Coolidge, a three (3) year renewal for relief of the Ordinance to maintain a berm along the west side of off-street parking in lieu of the required 4'-6" high masonry screening wall.

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

ITEM #4 – RENEWAL REQUEST. TROY SCHOOL DISTRICT, 4777 NORTHFIELD PARKWAY, for relief of the 4'-6" high masonry-screening wall required along the west side of off-street parking.

SUGGESTED RESOLUTION. To grant the Troy School District, 4777 Northfield Parkway, a three (3) year renewal of relief of the 4'-6" high masonry-screening wall required along the west side of off-street parking.

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

POSTPONED ITEMS

ITEM #5 – VARIANCE REQUEST. ANDRAOS & NANCY KATTOUAH, 3410 ROCHESTER (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' setback to the abutting property. This property is in the H-S (Highway Service) Zoning District and Section 31.30.00 requires a 75' setback from any property line that abuts a residentially zoned district.

TEM #6 – VARIANCE REQUEST. ALLIED METALS CORPORATION, 1750 STEPHENSON, for relief of the Ordinance to construct an addition to the 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.

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 until the meeting of June 20, 2006.

ITEM #8 – 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 as little as 362 square feet of landscaping where Section 39.70.04 requires a minimum of 3,993 square feet of landscaping.

PUBLIC HEARINGS

ITEM #9 – VARIANCE REQUEST. ANDRAOS & NANCY KATTOUAH, 3410 ROCHESTER (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 24' setback to the abutting property. This property is in the H-S (Highway Service) Zoning District and Section 31.30.00 requires a 75' setback from any property line that abuts a residentially zoned district.

ITEM #10 – VARIANCE REQUEST. MR. & MRS. DAVID MCLAUGHLIN, 1024 MILVERTON, for relief of the Ordinance to construct a rear family room addition with a proposed 25' rear yard setback. Section 30.10.06 requires a 35' minimum rear yard setback in the R-1E Zoning District.

ITEM #11 – VARIANCE REQUEST. JERRY ELLENICH & DAWN VILK, 5110 DANIELS, for relief of the Ordinance to construct an addition to their home, which is considered to be a legal non-conforming structure due to the fact that it has a 20.8' front yard setback where Section 30.10.02 requires a 40' minimum front yard setback. The site plan submitted indicates that the addition would have a 26' front yard setback and Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

ITEM #12 – VARIANCE REQUEST. DAVID DYER, 3783 WAYFARER, for relief of the Ordinance to construct an addition on the rear of his home that will result with a proposed 35'-10" rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

ITEM #13 – VARIANCE REQUEST. DENVER ASSOCIATES, 1010 NAUGHTON, for relief of the Ordinance to expand an existing parking lot that will be within 14' of Acacia and within 23'-7" of Naughton where Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking.

ITEM #14 – VARIANCE REQUEST. SAIF JAMEEL, 3031 CROOKS ROAD, for relief of the Ordinance to construct a new commercial building with a drive up window accessory to a 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 made up of two separate parcels that total only .53 acres in size.

ITEM #15 – VARIANCE REQUEST. SUNNY KAWENSKI, REPRESENTING NYKEL MANAGEMENT, 2362 GOLFVIEW, for relief of the Ordinance to construct a carport adjacent to the north property line with a 0' setback. Section 40.57.00 requires a 40' minimum rear yard setback for accessory structures in the RM-1 Zoning Districts.

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2. RESOLVED, that Items #3 and #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

3. Lutheran Church of the Master, 3333 Coolidge. Petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry-screening wall required along the west property line. In 1976 permanent relief was granted to allow a landscaped berm along the northern approximately 80' of the property line as an obscuring element. In 1981 parking was increased and the Board allowed this berm to be extended. Although the berm does exist along the entire property line, an outdoor play area for the day care facility located here encroaches into a portion of the berm. This item last appeared before this Board at the meeting of June 2003 and was granted a three-year (3) renewal. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION: MOVED, to grant Lutheran Church of the Master, 3333 Coolidge, a three-year (3) renewal of relief to maintain a berm along the west side of off-street parking in lieu of the required 4'-6" high masonry screening wall.

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

4. Troy School District, 4777 Northfield Parkway. Petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry screening wall required along the west property line of the site that abuts residential zoning. This relief has been granted on a yearly basis since July 1988 based on the fact that this does not cause an adverse effect on properties in the immediate vicinity. This item last appeared before this Board at the meeting of June 2003 and was granted a three-year (3) year renewal at the time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Troy School District, 4777 Northfield Parkway a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the west property line of the site that abuts residential zoning.

- Variance does not have an adverse effect to surrounding property.
- Conditions remain the same.
- We have no complaints or objections on file.

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5. 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.

This item last appeared before this Board at the meeting of May 16, 2006 and was postponed to this meeting at the request of the petitioner. The Building Department has received a request from the petitioner that this item be withdrawn as they have submitted a different request (Item #9).

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 April 18, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present detailed plans regarding this variance request. The Building Department has received a request from the petitioner asking that this request be withdrawn.

7. Sidney L. Frank, 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 May 16, 2006 and was postponed at the request of the petitioner. The Building Department has received a request from the petitioner asking that this request be withdrawn.

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8. 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.

This item first appeared before this Board at the meeting of May 16, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present to the Board more detailed drawings indicating the exact location of the parking lot to Coolidge as well as to show the Board a landscape plan. Since that meeting the Building Department has also received an alternate plan with a different parking/drive configuration. The variances requested remain the same except for the amount of landscape area that would now be 362 square feet of landscaping where 3,993 square feet are required. We have sent out new public hearing notices regarding the alternative plan so that the Board can consider either plan.

9. 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 24' to this east property line and 56' to the north property line.

10. Mr. & Mrs. David McLaughlin, 1024 Milverton. Petitioners are requesting relief of the Ordinance to construct a family room addition on the rear of their home resulting in a 25' rear yard setback. Section 30.10.06 requires a 35' minimum rear yard setback in R-1E Zoning Districts.

11. Jerry Ellenich, Dawn Vilck, 5110 Daniels. Petitioners are requesting relief of the Ordinance to construct an addition to their home. The plot plan submitted indicates the existing house has a 20.8' front yard setback where Section 30.10.02 requires a 40' minimum front yard setback. The structure therefore is a legal non-conforming structure.

The plans for the proposed addition indicate that the addition would have a 26' front yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

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Item #11 – con't. In June 2000 this Board granted these petitioners a variance to construct a second floor addition over the existing home with the 20.8' front yard setback, and a variance for a first floor addition with a 26' front yard setback. The proposed addition will continue this 26' front yard setback.

12. David Dyer, 3783 Wayfarer. Petitioner is requesting relief of the Ordinance to construct an addition on the rear of his home. The site plan submitted indicates a family room addition with a proposed 35'-10" rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

13. Denver Associates, LLC, 1010 Naughton. Petitioner is requesting relief of the Ordinance to expand an existing parking lot. This property is located within the M-1 (Light Industrial) Zoning District. Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking. The plans submitted indicate that the parking lot is being expanded to within 14' of Acacia and within 23'-7" of Naughton. The Board heard a similar request in June of 2005. The petitioner ultimately withdrew that request.

14. 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 a 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 made up of two separate parcels that total only .53 acres in size. The Board denied a similar request in April of 2006. This request is different in that the current plan eliminates the connecting drive with the property to the north.

15. Sunny Kawenski, representing Nykel Management (owners of Somerset Apartments). Petitioner is requesting relief of the Ordinance to construct a new carport. This carport will replace an existing carport that was damaged by a vehicle. The site plan submitted indicates replacement of carports adjacent to the north property line with a 0' setback. Section 40.57.00 requires a 40' minimum rear yard setback for accessory structures in the RM-1 Zoning Districts.