

AGENDA

BOARD OF ZONING APPEALS AUGUST 15, 2006

COUNCIL CHAMBERS 7:30 P.M.

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 18, 2006

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

ITEM #3 – RENEWAL REQUESTED. WILLIAM NELSON, FIRE CHIEF CITY OF TROY, 4850 JOHN R., for relief of the Zoning Ordinance requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property.

SUGGESTED RESOLUTION. To grant William Nelson, Fire Chief, City of Troy, 4850 John R., a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property.

ITEM #4 – RENEWAL REQUESTED. ST. ELIZABETH ANN SETON CATHOLIC CHURCH, 280 E. SQUARE LAKE, for relief of the 4'-6" high masonry screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property.

SUGGESTED RESOLUTION. To grant St. Elizabeth Ann Seton Catholic Church, 280 E. Square Lake, a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 6' high masonry-screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property.

ITEM #5 – RENEWAL REQUESTED. MI DEV AMERICA, INC. 600 WILSHIRE, for relief of the required 6' high masonry-screening wall on the west property line abutting residential zoned property.

SUGGESTED RESOLUTION. To grant MI DEV America, Inc., 600 Wilshire, a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 6' high masonry-screening wall on the west property line abutting residential zoned property.

POSTPONED ITEMS

ITEM #6 - 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 #7 – 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.

PUBLIC HEARINGS

ITEM #8 – VARIANCE REQUEST. TONY V'S SUNROOMS, 864 QUILL CREEK, for relief of the Ordinance to construct a patio enclosure that will result in a 36.95' rear yard setback where 45' is required by Section 30.10.02.

ITEM #9 – VARIANCE REQUEST. JAY COOKE, 1985 W. BIG BEAVER, for relief of the Zoning Ordinance to alter an existing tenant space for a jewelry store resulting in 27% of the building being retail support services where Section 24.25.01 limits these uses to 20%.

ITEM #10 – VARIANCE REQUEST. MR. & MRS. ROBERT ALDAPE, 2938 SARATOGA, for relief of the Ordinance to construct a new covered porch on the front of the existing home, resulting in a 22-'10" setback where Section 30.10.06 of the Zoning Ordinance requires a 25' front setback.

ITEM #11 – VARIANCE REQUEST. TOBY BUECHNER OF TROY GYMNASTICS, 1600 W. MAPLE, for relief of the Ordinance to reduce the amount of countable landscaping to 4,923 square feet where Section 39.70.04 of the Ordinance requires a minimum of 7,062 square feet of landscaping.

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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. William Nelson, Fire Chief City of Troy, 4850 John R. Petitioner is requesting renewal of relief granted by this Board of the Zoning Ordinance Requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property. This item first appeared before this Board in August 2003 and was granted a three-year (3) variance at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. **MOVED**, to grant William Nelson, Fire Chief, City of Troy, 4850 John R., a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property.

- There is an existing drain on the east side of the property.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

4. St. Elizabeth Ann Seton Catholic Church, 280 E. Square Lake. Petitioner is requesting renewal of relief granted by this Board of the 4'-6" high masonry screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property. This item first appeared before this Board at the meeting of August 2003 and was granted a three-year (3) variance at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. **MOVED**, to grant St. Elizabeth Ann Seton Catholic Church, 280 E. Square Lake, a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

5. MI DEV America, Inc., 600 Wilshire. Petitioner is requesting relief of the 6' high masonry screening wall required on the property abutting residential zoned property on the west side. The site has been constructed and occupied and landscaping berms along the west property line have been completed. This Board originally granted this variance in 1996. This item last appeared before this Board in August 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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Item #5 – con't.

SUGGESTED RESOLUTION. MOVED, to grant MI DEV America, Inc., 600 Wilshire, a three-year (3) renewal of relief of the 6' high masonry screening wall required on the west side of the property, which abuts residential zoned property.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

6. 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.

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. This item last appeared before this Board at the meeting of July 18, 2006 and was postponed at the request of the petitioner.

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 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.

This item last appeared before this Board at the meeting of July 18, 2006 and was postponed to allow the petitioner the opportunity of a full Board.

8. Tony V's Sunrooms, 864 Quill Creek. Petitioner is requesting relief of the Ordinance to construct a patio enclosure. The site plan submitted indicates a proposed patio enclosure on the rear of the existing residence with a 36.95' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

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9. Jay Cooke, 1985 W. Big Beaver. Petitioner is requesting relief of the Ordinance to alter an existing office tenant space for a jewelry store at Suite 100 of 1985 W. Big Beaver. Section 24.25.01 of the Zoning Ordinance allows support service retail uses within an office building in the O-1 (Low-Rise Office) Zoning district up to a maximum of 20% of the floor area of the building in which they are located. Currently the restaurant in this building, approved under a previous Ordinance provision, occupies 23% of the floor area of the office building. As such, it is classified as a legal non-conforming use. Adding more square footage of support service retail up to 27% of the floor area would constitute an expansion of the non-conforming use. Section 40.50.05 prohibits the expansion of non-conforming uses.

10. Robert Aldape, 2938 Saratoga. Petitioner is requesting relief of the Ordinance to construct a new covered porch on the front of the existing home. The porch will have a 22'-10" front setback. Section 30.10.06 of the Zoning Ordinance requires a 25' front setback in the R-1E Zoning District. There is an existing aluminum awning in this location however a search of the building department records finds no permits of approvals for this awning.

11. Toby Buechner, Troy Gymnastics, 1600 W. Maple. Petitioner is requesting relief of the Ordinance to reduce the amount of landscaping on a commercial building site. The revised site plan submitted shows that 4,923 square feet of countable landscape will be provided on this site. Section 39.70.04 of the Zoning Ordinance requires that a minimum of 7,062 square feet of landscape is required.