

AGENDA

BOARD OF ZONING APPEALS MARCH 15, 2005

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 15, 2005

RENEWAL ITEMS

ITEM #2 – RENEWAL REQUEST. K-MART, 100 E MAPLE, for renewal of relief which will allow for an outdoor display of plant material 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.

POSTPONED ITEMS

ITEM #3 –INTERPRETATION REQUEST. GEORGE REED, BETTY REED & THOMAS KRENT, 3129 ALPINE, appealing the issuance of a building permit to construct a garage at 3129 Alpine.

PUBLIC HEARINGS

ITEM #4 – VARIANCE REQUEST. ROBERT KAGE, 718 ECKFORD, variance request for relief to maintain two (2) covered storage structures and a lean to attached to the existing pole building, constructed without first obtaining building permits.

ITEM #5 – VARIANCE REQUEST. ROBERT KLEINSTIVER, 2877 DALEY, for relief to maintain an addition constructed without first obtaining a building permit that results with 9.5' rear yard setback where Section 30.20.09 of the Ordinance requires a minimum 20' rear yard setback in M-1 (Light Industrial) Zoning District.

ITEM #6 – VARIANCE REQUEST. VITO MITCHELL HOMES, L.L.C., 996 ECKFORD (PROPOSED ADDRESS), for relief to construct a house that will result in a proposed 26.07' front setback from the Rochester Road right of way where Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts.

ITEM #7 – VARIANCE REQUEST. RAM A. SHARMA, 2951 HOMEWOOD, for relief of the Ordinance to maintain a porch enclosure constructed without a permit on the east side of his home that results in a side setback of 5.6” where Section 30.10.01 requires a 15’ setback in R-1A Zoning Districts.

ITEM #8 – VARIANCE REQUEST. LARRY FRANDLE, 1142 BOYD, for relief of the Ordinance to reconstruct a fire damaged home. Section 40.50.04 prohibits the reconstruction of a legal non-conforming structure destroyed by a means to an extent of more than 60% of its replacement cost unless the construction is in compliance with all provisions of the Zoning Ordinance.

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2. K-Mart, 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 K-Mart along the north side of the fenced area and four-foot section of the sidewalk adjacent to the building, at the west end of the building. This display area is used for plants and flowers, and the variance is valid during the months of April through July. This request has previously 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 16, 2004 and was granted a one-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

3. George Reed, Betty Reed & Tom Krent, 3129 Alpine. Petitioners are appealing the issuance of a building permit to construct a garage at 3129 Alpine. In support of that appeal they are requesting interpretation of Sections 1.30.00, 2.30.00, 2.50.02, 4.20.01, 4.20.03, 4.20.65, 4.20.71, 4.20.139, 10.10.00, 3.40.03 and 40.57.02 of the Troy Zoning Ordinance as they apply to that structure. The permit for this structure was issued in 2003 because the structure was found to be in compliance with the requirements of the Troy Zoning Ordinance. This item last appeared before this Board at the meeting of February 15, 2005 and was postponed to allow City Staff to present a rebuttal to the petitioners' objections to the construction of this building.

The Building Department has received a written request from Howard & Howard Attorneys, representing the petitioners asking that this item be postponed until the meeting of April 19, 2005.

4. Robert Kage, 718 Eckford. Petitioner is requesting relief of the Ordinance to maintain two (2) covered storage structures and a lean-to attached to the existing pole building. These structures were constructed without first obtaining building permits. The site plan submitted indicates an existing 1,829 square foot pole building with a 337 square foot lean-to attached to the rear and two covered storage buildings that are 200 square feet and 320 square feet in area. The total area of all accessory buildings on this site is 2,686 square feet. Section 40.57.04 limits the total area of all accessory buildings on a site to 600 square feet or one-half of the ground floor area of the main building whichever is greater. The ground floor area of the main building is 3,782 square feet; therefore, the total area of accessory building cannot exceed 1,891 square feet.

The site plan submitted further indicates that the lean-to structure constructed on the rear of the pole building results in a 3' setback to the rear property line. Section 40.57.05 requires a 6' minimum setback from an accessory structure to any property line.

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5. Robert Kleinstiver, 2877 Daley. Petitioner is requesting relief of the Ordinance to maintain an addition constructed without first obtaining a building permit. The site plan submitted indicates that this 10.5' x 25.9' addition was constructed with 9.5' rear yard setback. Section 30.20.09 of the Ordinance requires a minimum 20' rear yard setback for buildings located in the M-1 (Light Industrial) Zoning District.

6. Vito Mitchell Homes, L.L.C., 996 Eckford (proposed address). Petitioner is requesting relief of the Ordinance to construct a single-family residence. This lot located on the southeast corner of Eckford and Rochester is a double front corner lot. As such, it has front setback requirements from both Eckford and Rochester Road. Section 30.10.04 requires a 30' minimum front setback in R-1C Zoning Districts. The site plan submitted indicates a proposed 26.07' front setback from the Rochester Road right of way.

7. Ram A. Sharma, 2951 Homewood. Petitioner is requesting relief of the Zoning Ordinance to maintain a porch enclosure constructed without first obtaining a building permit on the east side of his home. The site plan submitted indicates that this structure was built with a 5.6' side setback. Section 30.10.01 requires a 15' minimum side yard setback in R-1A Zoning Districts.

8. Larry Frandle, 1142 Boyd. Petitioner is requesting relief of the Zoning Ordinance to reconstruct a fire-damaged house. This house is a legal non-conforming structure. It has an existing 4.7' side yard setback where 5' is required and an existing 17.6' front setback where 25' is required in the R-1E Zoning District per Section 30.10.06. A fire occurred on January 14, 2005 damaging this structure beyond 60% of its replacement cost. Section 40.50.04 prohibits the reconstruction of a legal non-conforming structure destroyed by any means to an extent of more than 60% of its replacement cost unless the construction is in compliance with all provisions of the Zoning Ordinance.