

**AGENDA**

**BOARD OF ZONING APPEALS  
MAY 17, 2005**

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

**CALL TO ORDER**

**ROLL CALL**

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 19, 2005**

**RENEWAL ITEMS**

**ITEM #2 – VARIANCE REQUESTED. SPECIAL TREE REHABILITATION, INC., 1640 AXTELL**, for renewal of relief of the 6' high masonry screening wall required along the north property line.

**PUBLIC HEARINGS**

**ITEM #3 – VARIANCE REQUESTED. MR. & MRS. MICHAEL LARCH, 91 BILTMORE**, for relief of the Ordinance to construct a second floor addition and covered front porch that will result in a 20.3' front yard setback. Section 30.10.06 requires a minimum 25' front yard setback in R-2 Zoning Districts.

**ITEM #4 – VARIANCE REQUESTED. MR. & MRS. RICHARD SHORT, 502 RANDALL**, for relief of the Ordinance to construct a family room addition that will result in a 36' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C zoned districts. The proposed addition will also result in the existing pool being located in a side yard. Section 40.57.03 prohibits the placement of a swimming pool in any yard but a rear yard.

**ITEM #5 – VARIANCE REQUESTED. MR. NELSON K. WESENBERG OF BARRETT PAVING MATERIALS, 2040 BARRETT**, for relief of the Ordinance to install new dust collection equipment. The current use of the property is for an asphalt batch plant, which is not permitted as a principal use by Section 28.20.00 of the Troy Zoning Ordinance. The use is therefore classified as a legal non-conforming use. Section 40.50.05 of the Troy Ordinance prohibits expansion of a legal non-conforming use.

**ITEM #6 – VARIANCE REQUESTED. MR. & MRS. JAMES HARTMAN, 1307 W. SOUTH BOULEVARD,** for relief of the Ordinance regarding the size of the attached garage under construction. This attached garage is 2,370 square feet while the first floor living space on the home is only 1,300 square feet. The Board of Zoning Appeals has determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.

**ITEM #7 – VARIANCE REQUESTED. CHUCK FAULKNER, 4011 BUTTERNUT HILL,** for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit in the front yard of his property. This lot is a double front corner lot. The shed is located 6' from the south property line along West Wattles. Section 30.10.01 requires a 40' minimum front setback in R-1A Zoning.

**ITEM #8 – VARIANCE REQUESTED. MRS. ELISABETH GOLUS, 816 HARRIS,** for relief of the Ordinance regarding the size of the attached garage under construction. The attached garage is 1076 square feet while the first floor living space of the home is only 755 square feet. The Board of Zoning Appeals has determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.

**ITEM #9 – VARIANCE REQUESTED. FRANCO MANCINI, 6399 NORTON (EXISTING ADDRESS), 650 QUILL CREEK (PROPOSED ADDRESS),** for relief of the Ordinance to develop the property located on the south side of Quill Creek Drive (originally platted as Booth) west of Norton. The existing home will remain and has a 39.22' front yard setback. Section 30.01.02 of the Troy Zoning Ordinance requires a 40' minimum front yard setback in the R-1B Zoning Classification.

#### **OTHER BUSINESS**

**ITEM #10 – ELECTION OF CHAIRMAN & VICE CHAIRMAN – BOARD OF ZONING APPEALS, 2005-2006**

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

MAY 17, 2005

2. Special Tree Rehabilitation Service, 1640 Axtell. Staff asks that this item be withdrawn as the property in question has been sold to the adjacent property and the renewal for that variance comes up in December of this year.
3. Mr. & Mrs. Michael Larch, 91 Biltmore. Petitioners are requesting relief of the Ordinance to construct a second floor addition and covered front porch to their home. The site plans submitted indicated a 20.3' front yard setback to the proposed covered front porch. Section 30.10.06 requires a 25' minimum front yard setback for single-family homes built in the R-2 Zoning District.
4. Mr. & Mrs. Richard Short, 502 Randall. Petitioners are requesting relief of the Ordinance to construct a family room addition to their home. The site plan submitted indicates a family room addition on the rear of the home with a proposed 36' rear yard setback. Section 30.10.04 requires a 40' minimum rear setback in R-1C Zoning Districts. The plans also show an existing swimming pool that is currently located in the rear yard. Since the proposed addition extends into the rear yard farther than the pool, the pool would then be located, at least in part, in a side yard. Section 40.57.03 prohibits the placement of a swimming pool in any yard but a rear yard.
5. Mr. Nelson K. Wesenberg, 2040 Barrett. Petitioner is requesting relief of the Ordinance to install new dust collection equipment. The current use of the property is for an asphalt batch plant. Such use, although it has been in existence for many years, is not permitted as a principal use by Section 28.20.00 of the Troy Zoning Ordinance. The use is therefore classified as a legal non-conforming use. Section 40.50.05 of the Troy Zoning Ordinance prohibits the enlargement, extension, construction, reconstruction, movement, or structural alteration of a legal non-conforming use.
6. Mr. & Mrs. James Hartman, 1307 W. South Boulevard. Petitioners are requesting relief of the Ordinance regarding the size of an attached garage under construction. Building Permit #PB2004-1147 was issued on October 6, 2004 for the construction of this 2,370 square foot attached garage. The first floor living space of the home is only 1,300 square feet. The Board of Zoning Appeals has recently determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.
7. Chuck Faulkner, 4011 Butternut Hill. Petitioner is requesting relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit in a front yard of his property. This lot is a double front corner lot. As such, it has front yard requirements along both Butternut Hill and West Wattles. The site plan submitted indicates the shed is located 6' from the south property line along West Wattles. Section 30.10.01 requires a 40' minimum front setback in R-1A Zoning.

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

MAY 17, 2005

8. Elisabeth Golus, 816 Harris. Petitioner is requesting relief of the Ordinance regarding the size of an attached garage under construction. Building Permit #PB2004-0399 was issued on May 6, 2004 for an addition resulting in a 1,076 square foot attached garage. The first floor living space of the home is only 755 square feet. The Board of Zoning Appeals has recently determined that Chapter 39, Section 04.20.01 of the Troy Zoning Ordinance requires that all accessory buildings (including attached garages) must be smaller than the footprint of the living space on the main floor of the house.

9. Franco Mancini. Petitioner is requesting relief of the Ordinance to develop the property located on the south side of Quill Creek Drive (originally platted as Booth) west of Norton. The dedication of additional right of way to allow for the development of the public street for Quill Creek Drive as part of this project results in a 39.22' front yard setback to the existing home at 6399 Norton. This existing home is proposed to remain and will become 650 Quill Creek Drive when the project is completed. Section 30.10.02 of the Troy Zoning Ordinance requires a 40' minimum front yard setback in the R-1B Zoning Classification.

10. Election of Officers – Board of Zoning Appeals – 2005-2006