

AGENDA

**BOARD OF ZONING APPEALS
JULY 19, 2005**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 21, 2005

RENEWAL ITEMS

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

ITEM #3 – RENEWAL REQUESTED. MR. & MRS. AL KING, ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, for relief of the Ordinance to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

SUGGESTED RESOLUTION. MOVED, to grant Mr. & Mrs. Al King, Atlas Veneer Fireplace, 2212 Livernois, a three (3) year renewal of relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

ITEM #4 – RENEWAL REQUESTED. INDEPENDENT BANK, 5950 ROCHESTER ROAD, for relief of the 6' high masonry screening wall required along the south and east property lines.

SUGGESTED RESOLUTION. MOVED, to grant Independent Bank, 5950 Rochester Road, a three (3) year renewal of relief of the 6' high masonry screening wall required along the south and east property lines where it abuts residentially zoned property.

ITEM #5 – RENEWAL REQUESTED. OSPREY, LTD, 2701 TROY CENTER, for relief of the 6' high masonry wall required along the north property line.

SUGGESTED RESOLUTION. MOVED, to grant Osprey, LTD 2701 Troy Center a three (3) year renewal of relief of the 6' high masonry wall required along the north property line where it abuts residentially zoned property.

PUBLIC HEARINGS

ITEM #6 – VARIANCE REQUESTED. DAVID DONNELLON, OF THE CHOICE GROUP, 4254 BEACH ROAD, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage. This split would result in a street frontage for this property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

ITEM #7 – VARIANCE REQUESTED. TIMOTHY BUNKER, 2861 DASHWOOD, for relief of the Ordinance to construction a family room addition. This proposed addition would move the rear line 24' to the south resulting in approximately 10' of the existing pool in a side yard location. Section 40.57.03 prohibits the placement of accessory buildings or structures in any yard except a rear yard.

ITEM #8 – VARIANCE REQUESTED. H. W. CARTER, 1751 EASTPORT, for relief of the Ordinance to construct a covered front porch that would result in a 21' front yard setback. Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

ITEM #9 – VARIANCE REQUESTED. WESLEY MUELLER, 41 BILTMORE, for relief of the Ordinance to construct a second floor addition on his home. This home was constructed with a covered front porch, which has an 11'-3" front yard setback and is considered a legal non-conforming structure. The proposed second floor addition would continue this 11'-3" setback. Section 40.50.04 of the Ordinance prohibits expansions on non-conforming structures in a way that increases the non-conformity.

ITEM #10 – VARIANCE REQUESTED. LISA HIGH OF CDPA ARCHITECTS, 1639 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Ordinance to construct a new building for the Suma Medical Center. The site plan submitted indicates that 9,176 square feet of landscaping is provided. Section 39.70.02 and Section 39.70.04 requires that 14,738 square feet of landscaping be provided for a building of this size.

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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. Mr. & Mrs. Al King, Atlas Veneer Fireplace, 2212 Livernois. Petitioner is requesting renewal of relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. This item last appeared before this Board at the meeting of July 2002 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Mr. & Mrs. Al King, Atlas Veneer Fireplace, 2212 Livernois a three (3) year renewal of relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

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

4. Independent Bank, 5950 Rochester Road. Petitioner is requesting renewal of relief of the 6' high masonry-screening wall required along the south and east property lines where it abuts residentially zoned property. These property lines abut multiple-family residential zoning and relief was originally granted in 1977 based on the fact that a drain surrounded the area and there was a substantial brush growth that adequately screens the abutting residential land. This item last appeared before this Board in July 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Independent Bank, 5950 Rochester Road a three (3) year renewal of relief of the 6' high masonry screening wall required along the south and east property lines where it abuts residentially zoned property.

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

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5. Osprey LTD, 2701 Troy Center Drive. Petitioner is requesting renewal of relief of the 6' high masonry-screening wall required along the north property line where it abuts residentially zoned property. This variance was originally granted based on the fact that the petitioner would install 280' of decorative metal fencing and landscaping along this north property line that abuts a residential apartment complex. This item last appeared before this Board in July 2002 and was granted a three (3) year renewal. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant Osprey LTD, 1702 Troy Center Drive a three (3) year renewal of relief of the 6' high masonry screening wall required along the north property line where it abuts residentially zoned property.

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

6. David Donnellon, the Choice Group, 4254 Beach. Petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

7. Timothy Bunker, 2861 Dashwood. Petitioner is requesting relief of the Ordinance to construct a family room addition. This property has an above ground swimming pool located in the rear yard. The construction of the family room addition on the rear of the home would shift the rear yard line 24' to the south resulting in approximately 10' of the existing pool being located in a side yard location. Section 40.57.03 prohibits the placement of accessory buildings or structures in any yard except a rear yard.

8. H.W. Carter, 1751 Eastport. Petitioner is requesting relief of the Ordinance to construct a covered front porch. The site plan submitted indicates constructing a roof over an existing uncovered front porch resulting in a proposed 21' front yard setback. Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

9. Wesley Mueller, 41 Biltmore. Petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition on his home. Section 30.10.06 requires a 25' minimum front yard setback for a single family home constructed in the R-2 (Duplex) Zoning District. The plot plan submitted indicates the existing house has a covered front porch with an 11'-3" front yard setback and is a legal non-conforming structure. The site plan submitted indicates expanding the second floor over this porch continuing the 11'-3" front setback. Section 40.50.04 prohibits expansions of non-conforming structures in any way that increases the non-conformity.

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10. Lisa High, CDPA Architects, 1639 E. Big Beaver (proposed address). Petitioner is requesting relief of the Ordinance to construct a new building for the Suma Medical Center. Section 39.70.04 requires that ten (10) percent of the net site area be developed as landscaped open space. This landscaping must be located in the front or side yard and must be in addition to the 10' green belt required by Section 39.70.02. The required landscaping for a site this size is 14,738 square feet. The site plan submitted indicates that only 9,176 square feet of landscaping is provided, making the site deficient 5, 562 square feet.