

AGENDA

**BOARD OF ZONING APPEALS – SPECIAL MEETING
OCTOBER 18, 2005**

**COUNCIL CHAMBERS
6:00 P.M.**

**PRESENTATION BY CITY ATTORNEY REGARDING BOARD OF ZONING
APPEALS RULES & PROCEDURES**

AGENDA

**BOARD OF ZONING APPEALS – REGULAR MEETING
OCTOBER 18, 2005**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES, MEETING OF SEPTEMBER 20, 2005

RENEWAL REQUESTS

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #10

ITEM #3 – RENEWAL REQUESTED. FIFTH THIRD BANK, 2220 W. BIG BEAVER,
for relief of the 6' high screening wall between office and residentially zoned property.

SUGGESTED RESOLUTION. MOVED, to grant Fifth Third Bank, 2220 W. Big Beaver,
a three (3) year renewal of relief of the 6' high screening-wall required between office
and residential zoned property.

ITEM #4 – RENEWAL REQUESTED. FIFTH THIRD BANK, 2282 W. BIG BEAVER,
for relief of the 6' high masonry screening wall required along the north property line
where this site abuts residential zoned property.

SUGGESTED RESOLUTION. MOVED, to grant Fifth Third Bank, 2282 W. Big Beaver,
a three (3) year renewal of relief of the 6' high masonry-screening wall required along
the north property line where this site abuts residential zoned property.

ITEM #5 – RENEWAL REQUESTED. TROY MASONIC TEMPLE ASSOCIATION, 1032 HARTLAND, for relief of the required 4'-6" high masonry screening wall adjacent to off-street parking.

SUGGESTED RESOLUTION. MOVED, to grant Troy Masonic Temple Association, 1032 Hartland, a three (3) year renewal of relief of the 4'-6" high masonry screening wall required adjacent to off-street parking.

ITEM #6 – RENEWAL REQUESTED. WATTLES PROPERTIES, LLC, BROOKFIELD ACADEMY, 3950 LIVERNOIS, for relief of the 4'-6" high masonry screening wall required along the east side of off-street parking.

SUGGESTED RESOLUTION. MOVED, to grant Wattles Properties, LLC, Brookfield Academy, 3950 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the east side of off-street parking.

ITEM #7 – RENEWAL REQUESTED. ST. AUGUSTINE EVANGELICAL CHURCH, 5475 LIVERNOIS, for relief of the 4'-6" high masonry wall required along the south and west sides of off-street parking.

SUGGESTED RESOLUTION. MOVED, to grant St. Augustine Evangelical Church, 5475 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry wall required along the south and west sides of off-street parking.

ITEM #8 – RENEWAL REQUESTED. MARC DYKES, HOME PROPERTIES, CANTERBURY SQUARE APARTMENTS II, N. SIDE OF LOVINGTON, E. OF JOHN R., for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking where these areas abut residentially zoned land.

SUGGESTED RESOLUTION. MOVED, to grant Marc Dykes, Home Properties, Canterbury Square Apartments II, N. side of Lovington, E. of John R., a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking where these areas abut residentially zoned property.

ITEM #9 – RENEWAL REQUESTED. LIFE CHRISTIAN CHURCH INTERNATIONAL, 3193 ROCHESTER ROAD, for relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

SUGGESTED RESOLUTION. MOVED, to grant Life Christian Church International, 3193 Rochester, a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

ITEM #10 – RENEWAL REQUESTED. BLUE HERON INVESTMENTS, LLC, 2032 E. SQUARE LAKE, for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential zoned property.

SUGGESTED RESOLUTION. MOVED, to grant Blue Heron Investments, LLC, 2032 E. Square Lake, a three (3) year renewal of relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential zoned property.

POSTPONED ITEMS

ITEM #11 – VARIANCE REQUESTED. DAVID DONNELLON, THE CHOICE GROUP, 4254 BEACH ROAD, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage.

PUBLIC HEARINGS

ITEM #12 – VARIANCE REQUESTED. ARNOLD BECKER, 2840-2880 ROCHESTER ROAD, for relief of the Ordinance to expand the existing parking lot at 2840-2880 Rochester Road with a 10' setback from the north property line and without a screen wall. Section 29.50.07 requires a 25' front setback and also requires a 4'-6" high screen wall to be installed at this setback line.

ITEM #13 – VARIANCE REQUESTED. RICHARD DEARMENT, LOT #69, CRYSTAL SPRINGS SUBDIVISION, for relief of the Ordinance to construct a single family residence on a parcel that is 63.76' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum of 85' lot width in the R-1C Zoning District.

ITEM #14 – VARIANCE REQUESTED. JAMES POWERS OF RESIDENTIAL RENOVATIONS, 1641 WITHERBEE, for relief of the Ordinance to construct an attached garage. This home is a legal non-conforming structure. It has an existing 5' side yard setback where 10' is required by Section 30.10.04.

ITEM #15 – VARIANCE REQUESTED. RUSSELL LONG, 1071 NORWICH, for relief of the Ordinance to demolish an existing carport and construct a new attached garage with a 5' side yard setback and a 24' front yard setback. Section 30.10.04 of the Ordinance requires a minimum 10' side yard setback and a 30' front setback in the R-1C Zoning District.

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2. RESOLVED, that Items #3 through #10 (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. Fifth Third Bank, 2220 W. Big Beaver. Petitioner is requesting renewal of relief of the Ordinance requirement for a 6' high screen wall along the north property line where this site abuts residentially zoned property. The Zoning Ordinance requires a 6' high screening wall between office and residential sites. This item last appeared before this Board at the meeting of October 15, 2002 and was granted a three (3) year renewal at that time. This request runs concurrent with the variance request at 2282 W. Big Beaver. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. **MOVED**, to grant Fifth Third Bank, 2220 W. Big Beaver, a three (3) year renewal of relief for the 6' high screening wall required between office and residential zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

4. Fifth Third Bank, 2282 W. Big Beaver. Petitioner is requesting relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property. This Board originally granted the relief in 1983 and last renewed it in 2002, in part, due to the fact that the property to the north is a retention pond for the Standard Federal Bank building. Conditions at the site remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. **MOVED**, to grant Fifth Third Bank, 2282 W. Big Beaver, a three (3) year renewal of relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

5. Troy Masonic Temple Association, 1032 Hartland. Petitioner is requesting relief of the 4'-6" high masonry-screening wall adjacent to their parking lot. This Board originally granted this variance in 1970. This item last appeared before this Board in October 2002 and was granted a three (3) year renewal of this request. Conditions at the site remain the same and we have no objections or complaints on file.

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SUGGESTED RESOLUTION. MOVED, to grant Troy Masonic Temple Association, 1032 Hartland, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

6. Wattles Properties, LLC, Brookfield Academy – 3950 Livernois. Petitioner is requesting renewal of relief granted by this Board of the 4'-6" high masonry screening wall required along the east side of off-street parking. This relief was originally granted in 1982 and expanded in 1988, in part, due to the fact that a chain link fence with redwood slats had been installed. This item last appeared before this Board at the meeting of October 2002 and was granted a three-year renewal with the stipulation that the fence would be repaired and kept in good repair. Conditions at the site remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant Wattles Properties, LLC, Brookfield Academy, 3950 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Fence to remain in good repair.
- Conditions remain the same.
- There are no complaints or objections on file.

7. St. Augustine Evangelical Church, 5475 Livernois. Petitioner is requesting renewal of relief granted by the Board for the 4'-6" high masonry wall required along the south and west sides of the property, adjacent to the off-street parking. This relief was originally granted in 1993 based on the fact that the variance would not be contrary to public interest and conforming would be unnecessarily burdensome. This item last appeared before this Board at the meeting of October 2004 and was granted a one-year renewal to allow the neighbors to determine if the special use for the day care center would create any type of problems. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant St. Augustine Evangelical Church, 5475 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry wall required along the south and west sides of the property, adjacent to the off-street parking.

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

8. Marc Dykes, Canterbury Square Apartments II. Petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land. This relief has been granted since 1974 primarily due to the

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fact that the adjacent residential land is undeveloped. The property to the north is now developed for a multi-story senior citizen housing project and the property to the east has been acquired by the City for use as future park development. This item last appeared before this Board at the meeting of October 2002 and was granted a three-year renewal. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant Marc Dykes, Home Properties, Canterbury Square Apartments II, N. side of Lovington, E. of John R., a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land.

- Adjacent property is not developed with single-family residences.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Conditions remain the same.

9. Life Christian Church International, 3193 Rochester Road. Petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking. This Board originally granted this relief in 1980. This item last appeared before this Board in October 2002 and was granted a three (3) year renewal. Since that time the church property has been sold from Troy Baptist Church to the current owner. Other than that, conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Life Christian Church International, 3193 Rochester Road, a three (3) year renewal of relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking.

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

10. Blue Heron Investments, LLC, 2032 E. Square Lake. Petitioner is requesting relief granted by this Board to delete the 6' high screen wall along the east side of the property, where Commercially zoned property abuts Residential zoned property. This item last appeared before this Board at the meeting of October 2002 and was granted a three (3) year renewal.

SUGGESTED RESOLUTION. MOVED, to grant Blue Heron Investments, LLC, 2032 E. Square Lake Road, a three (3) year renewal of relief of the 6' high screen wall along the east side of the property where it abuts residentially zoned land.

- Existing vegetation provides adequate screening.
- Conditions remain the same.
- There are no complaints or objections on file.

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11. 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.

This item first appeared before this Board at the meeting of August 16, 2005 and was postponed until this meeting at the request of the petitioner to allow him the opportunity to discuss other options with the neighbors that may be acceptable to everyone.

12. Arnold Becker, 2480-2880 Rochester. Petitioner is requesting relief of the Ordinance to expand the existing parking lot at this commercial property. The property immediately to the east is zoned R-1E. Section 29.50.07 of the Troy Zoning Ordinance requires a 25' front setback for Vehicular Parking (P-1) zoned parcels when they have contiguous frontage with residential districts. It further requires a 4'-6" high screen wall installed at this setback line. The site plan submitted indicates a setback of only 10' from the north property line and no screen wall.

13. Richard Dearment, Lot #69 Crystal Springs Subdivision. Petitioner is requesting relief of the Zoning Ordinance to construct a single-family residence. Petitioner resides at 740 Trinway, Lot #68 and also owns Lot #69. These lots are each 63.76' wide and Section 30.10.04 of the Zoning Ordinance requires that the minimum lot width in the R-1C Zoning District is 85'. Section 40.50.02 of the Troy Zoning Ordinance requires that when two or more lots with continuous frontage under a single ownership do not comply with the requirements for lot width or area they be considered to be an undivided parcel. The petitioner is requesting approval to have these considered separate parcels and is permitted to build a second home on the vacant parcel.

14. James Powers, 1641 Witherbee. Petitioner is requesting relief of the Ordinance to construct an attached garage. This home is a legal non-conforming structure. It has an existing 5' side yard setback where 10' is required by Section 30.10.04. The site plan submitted indicates removing an existing carport and constructing an attached garage that would continue this 5' side yard setback.

15. Russell Long, 1071 Norwich. Petitioner is requesting relief of the Ordinance to demolish an existing carport and construct a new attached garage. Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback for homes in the R-1C Zoning District. At the meeting of August 16, 2005 this Board approved a variance to construct an attached garage on this property with a 5' side yard setback and a 26' front setback. The revised plans would continue to use the 5' side yard setback and now indicate a 24' front yard setback. Section 30.10.04 requires a 30' front setback in the R-1C Zoning District.