

AGENDA

**BOARD OF ZONING APPEALS
NOVEMBER 15, 2005**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 18, 2005

RENEWAL REQUESTS

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

ITEM #3 – RENEWAL REQUESTED. BLOOMFIELD MANAGEMENT, 1100-1174 E. BIG BEAVER, for relief of the Ordinance to permit parking in the front yard of this industrial site.

SUGGESTED RESOLUTION. **MOVED**, to grant Bloomfield Management, 1100-1174 E. Big Beaver, a three-year (3) renewal of relief to permit parking in the front yard of this industrial site.

ITEM #4 – RENEWAL REQUESTED. SCHENCK PEGASUS CORP., 2890 JOHN R., for relief of the 6' high masonry-screening wall required along the east and portion of the north property line.

SUGGESTED RESOLUTION. **MOVED**, to grant Schenck Pegasus Corp, 2890 John R., relief of the 6' high masonry-screening wall required along the east and a portion of the north property line where this site abuts residential zoning.

ITEM #5 – RENEWAL REQUESTED. COLEMAN'S WRECKER SERVICE, 1871 BIRCHWOOD, for relief of the Ordinance to maintain a 7' high obscuring fence in lieu of the required 6' high masonry screen wall along Birchwood.

SUGGESTED RESOLUTION. **MOVED**, to grant Coleman's Wrecker Service, 1871 Birchwood, a three-year (3) renewal of relief of the Ordinance to maintain a 7' high obscuring fence in lieu of the required 6' high masonry screen wall along Birchwood.

POSTPONED ITEMS

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 resulting in 55' of frontage where 100' is required by Section 30.10.02.

ITEM #7 – VARIANCE REQUESTED. ARNOLD BECKER, 2840-2880 ROCHESTER, for relief of the Ordinance to expand the existing parking lot at 2840-2880 Rochester with a 10' setback from the north property line where 25' is required by Section 29.50.07 of the Ordinance.

PUBLIC HEARINGS

ITEM #8 – INTERPRETATION REQUESTED. JLJ INVESTMENTS, LLC, 4048-4060 ROCHESTER ROAD, for an interpretation, per Section 43.75.00 of the Zoning Ordinance, that a facility that provides for the sales, rental, and service of musical instruments along with music lessons is a permitted use in the B-1 (Local Business) Zoning District.

ITEM #9 – VARIANCE REQUESTED. BONNIE SCOTELLA, 845 NORWICH, for relief of the Ordinance to construct an attached garage that will result in a 5'-9" side yard setback and a 23'9" front yard setback where Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback.

ITEM #10 – VARIANCE REQUESTED. FRANK ZIMMER, OF THE HONEY BAKED HAM COMPANY, 1081 E. LONG LAKE ROAD, for approval under Section 43.80.00 of the Zoning Ordinance to place two temporary storage containers outside for a period from December 10, 2005 through December 31, 2005.

ITEM #11 – VARIANCE REQUESTED. MR. & MRS. DANIEL KAISER, 692 BARCLAY, for relief of the Ordinance to construct a family room addition that will result in a 34.2' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback.

ITEM #12 – VARIANCE REQUESTED. MR. TONY ELDER, ELDER LAND DEVELOPMENT, 1767 MAPLELAWN (PROPOSED ADDRESS), for relief of the Ordinance to construct a new auto dealership that will result in 9,851 square feet of landscaping where 14,032 square feet of landscaping is required per Section 39.70.04.

ITEM #13 – VARIANCE REQUESTED. MR. & MRS. MAJCHEREK, 4996 BUTLER, for relief of the Ordinance to maintain an attached storage addition constructed without obtaining the required Building Permit and resulting in a 34.9' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

NOVEMBER 15, 2005

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. Bloomfield Management Co., 1100-1170 E. Big Beaver. Petitioner is requesting renewal of a variance granted by this Board to locate parking within the front yard setback of an M-1 Zoned site. This variance was originally granted in 1973 because of the large open drain that runs through the back of the site, preventing the installation of parking in the usual rear yard location. This has been granted a renewable variance based upon the premise that if the drain were to be enclosed that the parking could be relocated to a conforming location. This item last appeared before this Board in 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 Bloomfield Management Company, 1100-1170 E. Big Beaver, a three-year (3) renewal of relief to permit parking in the front yard setback of an industrial site.

- The large drain on the site creates a practical difficulty in that it does not permit parking in the usual rear yard location.
- Conditions remain the same.
- We have no objections or complaints on file.

4. Schenck-Pegasus, 2890 John R. Petitioners are requesting relief granted by this Board of the 6' high masonry screen wall required along the east property line and a portion of the north property line where their site abuts residential zoning. This relief has been granted on a yearly basis since 1969 primarily due to the fact that the residential land at the east end of their site is undeveloped and owned by the petitioner as well as the fact that the land to the north, although residentially zoned, is controlled by consent judgment and is in fact is developed as an office development. This item last appeared before this Board at the meeting of November 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 Schenck-Pegasus, 2890 John R., a three (3) year renewal of relief of the 6' high masonry-screening wall required along the east and a portion of the north property line.

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

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

NOVEMBER 15, 2005

5. Coleman's Wrecking Service, 1871 Birchwood. Petitioner is requesting renewal of relief granted by this Board to screen an outdoor storage area with a 7' high obscuring fence in lieu of the normally required 6' high masonry screen wall. This Board has granted this variance on a yearly basis since 1986. This item last appeared before this Board in November 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 Coleman's Wrecking Service, 1871 Birchwood, a three (3) year renewal for relief to maintain a 7' high obscuring fence in lieu of the 6' high masonry screen wall along Birchwood.

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

6. David Donnellon, 4254 Beach Road. The 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 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 again at the meeting of October 18, 2005 and was postponed until this meeting at the request of Mr. Donnellon of the Choice Group and Mr. Kyle Jones, representative of the Greentrees Homeowners Association.

7. Arnold Becker, 2840-2880 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. The site plan submitted by the petitioner indicates a 10' front setback.

This item first appeared before this Board at the meeting of October 18, 2005 and was postponed to allow the petitioner to determine if he wished to withdraw this request for relief of the setback requirement.

8. JLJ Investments, LLC, 4048-4060 Rochester Road. Petitioner is requesting an interpretation, per Section 43.75.00 of the Zoning Ordinance, that a facility that provides for the sales, rental, and service of musical instruments along with musical lessons is a permitted use in the B-1 (Local Business) Zoning District. The petitioners propose to open a Marshall Music store in the shopping center located at the northeast corner of Rochester Road and Wattles Road. The property in question is located within the B-1 Zoning Classification. Their proposed use has been determined to not be in compliance with the

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

NOVEMBER 15, 2005

8. con't.

allowable uses in the B-1 District contained in Section 20.20.00 of the Troy Zoning Ordinance.

9. Bonnie Scotella, 845 Norwich. Petitioner is requesting relief of the Ordinance to construct an attached garage. This house is a legal non-conforming structure. It has an existing 5.2' side yard setback and a 29.9' front yard setback to an existing carport. Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback in R-1C Zoning Districts. The site plan submitted indicates replacing the carport with an attached garage that will result in a 5'-9" side yard setback and a 23'-9" front yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

10. Frank Zimmer, 1081 E. Long Lake. Petitioner is requesting approval under the Zoning Ordinance to place two temporary storage containers outside at 1081 E. Long Lake from December 10th through December 31, 2005. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses for a time frame not to exceed two years. This item last appeared before this Board at the November 16, 2004 and the petitioner was granted approval at that time.

11. Mr. & Mrs. Kaiser, 692 Barclay. Petitioners are requesting relief of the Ordinance to construct a rear family room addition on their home. The site plan submitted indicates a family room addition with a proposed 34.2' rear yard setback. Section 30.10.04 of the Ordinance requires a 40' minimum rear setback in R-1C Zoning Districts.

12. Tony Elder, 1767 Maplelawn (proposed address). Petitioner is requesting relief of the Zoning Ordinance to construct a new auto dealership at 1767 Maplelawn. The site for this project is 140,321 square feet. Section 39.70.04 requires a minimum of 14,032 square feet of landscaped area be provided for a site this size. The site plan submitted indicates that only 9,851 square feet of landscape will be provided.

13. Mr. & Mrs. Majcherek, 4996 Butler. Petitioners are requesting relief of the Ordinance to maintain an attached storage addition that was constructed without first obtaining the required Building Permit. The site plan submitted with the subsequent permit application indicates the addition has been constructed with a 34.9' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.