

## **AGENDA**

### **BOARD OF ZONING APPEALS AUGUST 17, 2004**

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

**CALL TO ORDER**

**ROLL CALL**

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 20, 2004**

#### **RENEWAL ITEMS**

**ITEM #2 – VARIANCE REQUEST. ST. AUGUSTINE EVANGELICAL CHURCH, 5475 LIVERNOIS**, for relief of the 4'6" masonry wall required along the south and west sides of off-street parking.

#### **POSTPONED ITEMS**

**ITEM #3 – VARIANCE REQUEST. RWT BUILDING, LLC, 1309 BOYD (PROPOSED ADDRESS)**, for relief of the Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

#### **PUBLIC HEARINGS**

**ITEM #4 – VARIANCE REQUEST. GEORGE KOSTOPOULOS, 2720 PINE HILL**, for relief of the Ordinance to construct a garage addition, which would result in a 16' front yard setback to Bronson where Section 30.10.02 requires a 40' front setback.

**ITEM #5 – VARIANCE REQUEST. JIM LAPLANTE, 1839 E. WATTLES**, for relief of the Ordinance to construct a 980 square foot additional detached garage resulting in 1708 square foot of accessory buildings where 600 square feet of accessory building is permitted by Section 40.57.04.

**ITEM #6 – VARIANCE REQUEST. ILIR BELLO, 2874 NORTHAMPTON**, for relief of the Ordinance to construct a detached garage with a 3' setback from the proposed garage to the side property line on the west where Section 40.57.05 of the Ordinance requires a 6' minimum side yard setback for accessory buildings.

**ITEM #7 – VARIANCE REQUEST. MICHAEL AGNETTI, 1150 WOODSLEE**, for relief of the Ordinance to divide a parcel of land, which will result in two 7,200 square foot parcels, where Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District.

**ITEM #8 – VARIANCE REQUEST. MR. JONATHAN SHERER, 3015 CROOKS,** for relief of the Ordinance to construct a new commercial building, which will include a drive-up window accessory to a restaurant use on a parcel that is only .38 acres where Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in the H-S (Highway Service) Zoning District.

**ITEM #9 – VARIANCE REQUEST. BRUCE HUDALLA, OF HEARTLAND SUNROOMS, 1183 BAKER,** for relief of the Ordinance to construct a new sunroom addition and to maintain an existing awning installed without a building permit, both with 29' rear yard setbacks where Section 30.10.06 of the Ordinance requires a 35' minimum rear setback in R-1E Zoning Districts.

## AGENDA EXPLANATION

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2. St. Augustine Evangelical Church, 5475 Livernois. Petitioner is requesting renewal of relief granted by this Board for the 4'-6" high masonry wall required along the south and west sides, 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 in August 2001 and was granted a three-year (3) renewal at that time. Conditions remain the same although we have one complaint or objection on file regarding the location of the outdoor play space for the day care center.

3. RWT Building, 1309 Boyd (proposed address). Petitioner is requesting relief of the Zoning Ordinance to divide a parcel and construct a new single-family residence. The existing home at 1321 Boyd is located on Lot #29 with a portion of the attached garage located on Lot #28. Although these two lots are shown as two separate parcels for tax purposes, since the same individual owns them, Section 40.50.02 of the Zoning Ordinance considers this to be an undivided parcel. Individually these lots are only 7,200 square feet in area. Section 30.10.05 of the Ordinance requires a minimum lot area of 7,500 square feet in the R-1E Zoning District. The plans submitted propose to remove the garage, separate the lots creating two 7,200 square foot parcels, and build a new home on Lot #28.

This item last appeared before this Board at the meeting of July 20, 2004 and was postponed to allow the Board members to revisit the site to determine if the proposed home would create an adverse effect to surrounding property.

4. George Kostopoulos, 2720 Pine Hill. Petitioner is requesting relief of the Ordinance to construct a garage addition, which will result in a 16' front yard setback to Bronson. This property is a double front corner lot and requires a 40' minimum front yard setback from both Pine Hill and Bronson. The site plan submitted indicate the existing attached garage has a legal non-conforming 23'-6" front yard setback to Bronson. This garage was constructed at a time that Bronson did not go through. Section 30.50.04 of the Ordinance prohibits expansions of non-conforming structures in a way that increases the non-conformity.

5. Jim LaPlante, 1839 E. Wattles. Petitioner is requesting relief of the Ordinance to construct an additional detached garage. The site plan submitted shows an existing 728 square foot detached garage. The proposed 980 square foot additional detached garage would bring the total area of accessory buildings to 1,708 square feet. Section 40.57.04 limits the area of all accessory buildings on a site to 600 square feet or one-half the ground floor area of the main building whichever is greater. As the home on this property is only 914 square feet on the ground floor, accessory buildings are limited to 600 square feet on this site. A request for a 980 square foot addition to the existing detached garage was approved in July of 2004. The petitioner now wishes to construct this as a separate building.

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6. Ilir Bello, 2874 Northampton. Petitioner is requesting relief of the Ordinance to construct a detached garage. The site plan submitted indicates a 3' setback from the proposed garage to the side property line on the west. Section 40.57.05 of the Ordinance requires a 6' minimum side yard setback for accessory buildings.
7. Michael Agnetti, 1150 Woodslee. Petitioner is requesting relief of the Ordinance to split a parcel of land and construct two single-family homes. The site plan submitted indicates demolishing the house at 1150 Woodslee, dividing the property into two parcels each having 7,200 square foot of area. Section 30.10.06 requires 7,500 square foot minimum lot sizes in R-1E Zoning Districts.
8. Jonathan Sherer, 3015 Crooks. Petitioner is requesting relief of the Ordinance to construct a new commercial building. The plans submitted indicate that the development will include a drive-up window accessory to a restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up facility in the H-S (Highway Service) Zoning District. The parcel in question is only .38 acres.
9. Bruce Hudalla, of Heartland Sunrooms, 1183 Baker. Petitioner is requesting relief of the Ordinance to construct a sunroom addition on an existing home. The site plan submitted indicates the new rear sunroom addition with a 29' rear yard setback. Section 30.10.06 requires a 35' minimum rear setback in R-1E Zoning Districts. Upon review of the plans we discovered that an awning was previously installed on the rear of this home without a building permit. This awning also has a 29' rear yard setback.