

AGENDA

BOARD OF ZONING APPEALS SEPTEMBER 21, 2004

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

CALL TO ORDER

ROLL CALL

**ITEM #1 – APPROVAL OF MINUTES - MEETING OF AUGUST 17, 2004
APPROVAL OF MINUTES – SPECIAL MEETING OF AUGUST 31, 2004**

POSTPONED ITEMS

ITEM #2 – VARIANCE RENEWAL. 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.

ITEM #3 – 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.

PUBLIC HEARINGS

ITEM #4 – VARIANCE REQUEST. PAUL & LAVERNE DALLMAN, 4115 WASHINGTON CRESCENT, for relief of the Ordinance to construct a rear patio enclosure, which would result in a proposed 16' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

ITEM #5 – VARIANCE REQUEST. KARL & DEBRA MEINKE, 724 SYLVANWOOD, for relief of the Ordinance to construct an attached garage and addition on the rear of the house, which would result in a side yard setback of 9'-8" and a total of both side yard setbacks of 16'-8". Section 30.10.04 requires 10' minimum side yard setbacks and 20' total for both side setbacks in the R-1C Zoning District.

ITEM #6 – VARIANCE REQUEST. MAJID KESTO, 1610 JOHN R (EXISTING ADDRESS), 1634 JOHN R (PROPOSED ADDRESS), for relief of the Ordinance to construct a new gas station, which would have: a 0' rear yard setback where 30' is required by Section 30.20.07; to have an 18'-11" setback to the edge of the canopy, a 29'-7" setback to the pump island, and a 30'-10" setback to the canopy support from the front property line where Paragraph G of Section 31.30.00 requires a front setback of

25' to canopy edges, a 30' front setback to the pump islands, and a 35' setback to canopy supports; And to have no landscape greenbelt along the west and portion of the south property line where a 10' greenbelt is required by Section 37.70.02.

ITEM #7 – VARIANCE REQUEST. SALVATORE EIFRATE, 3521 W. BIG BEAVER, 2968 & 2984 CEDAR RIDGE (PROPOSED ADDRESSES), for relief of the Ordinance to split an existing parcel of land, which will result in a 73' wide lot where an 85' minimum lot width is required by Section 30.10.04.

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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.

This item last appeared before this Board at the meeting of August 17, 2004 and was postponed allow the Planning Commission to discuss and act on the special use approval request for a day care facility submitted by the Church.

3. 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.

This item first appeared before this Board at the meeting of August 17, 2004 and was postponed to allow the Planning Commission the opportunity to review the site plan and make recommendations as they felt were necessary.

4. Paul & Laverne Dallman, 4115 Washington Crescent. Petitioners are requesting relief of the Ordinance to construct a rear patio enclosure on their home. The application submitted indicates a rear patio enclosure with a proposed 16' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in R-1C zoning Districts. In 1971, the Board of Zoning Appeals granted a 20' rear setback variance for the construction of this house.

5. Karl & Debra Meinke, 724 Sylvanwood. Petitioners are requesting relief of the Ordinance to construct an attached garage and addition on the rear of their house. The existing house has side yard setbacks of 7' to the east side property line and 7' to the west property line for a total of 14' of side yard setbacks. Section 30.10.04 requires 10' minimum side yard setbacks and 20' total for both side setbacks in the R-1C Zoning District. Because of the age of the home, it is classified as a legal non-conforming structure. The site plan submitted indicates removing an existing attached garage and constructing a new attached garage and house addition, with a proposed 9'-8" setback to the east side property line and a total of 16'-8" for both side yard setbacks, where 20' is required. Once the existing garage is demolished, removing the non-conforming setback to the east property line and giving a total side yard in compliance with the

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5. ordinance, a variance is required to construct the new building with these reduced setbacks.

6. Majid Kesto, 1634 John R (proposed address). Petitioner is requesting relief of the Ordinance to demolish an existing gasoline station and construct a new gasoline station. The site plan submitted indicates that the building will be constructed right along the east property line. Section 30.20.07 of the Ordinance requires a minimum 30' rear yard setback.

The site plan submitted also indicates that the proposed new canopy will have an 18'-11" setback to the edge of the canopy, a 29'-7" setback to the pump island, and a 30'-10" setback to the canopy support from the future right of way line of John R Road. Paragraph G of Section 31.30.00 requires that service stations have a front setback of 25' to canopy edges, a 30' front setback to the pump islands, and a 35' setback to canopy supports.

Further, Section 39.70.02 of the Ordinance requires that a greenbelt, a minimum of 10' in width, be provided between the development and abutting public streets. No such greenbelt is shown along John R or along the western end of the Maple Road frontage.

7. Salvatore Eifrate, 3521 W. Big Beaver (2968 & 2984 Cedar Ridge – proposed addresses). Petitioner is requesting relief of the Ordinance to split the property at 3521 W. Big Beaver resulting in a 73' wide lot where an 85' minimum lot width is required by Section 30.10.04. The petitioner is proposing to take an existing home site, fronting on Big Beaver at the southeast corner of Big Beaver and Cedar Ridge, and after removing the existing home, create two lots fronting on Cedar Ridge. While the corner lot would be 90' wide, the other lot would be only 73' in width where 85' minimum lot width is required in the R-1C Zoning District.