

**AGENDA**

**BOARD OF ZONING APPEALS  
OCTOBER 19, 2004**

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

**CALL TO ORDER**

**ROLL CALL**

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 21, 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. D'ANNA-LATTER, LLC, 400 E. BIG BEAVER**, for relief of the Ordinance to maintain an existing 4'-6" high concrete screen wall located on the east and south sides of an office building under construction where Paragraph C of Section 39.10.01 of the Ordinance requires a 6'-0" high wall where the O-1 (Office) Zoning District abuts residential zoning.

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

OCTOBER 19, 2004

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 September 21, 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. A copy of the draft minutes from the Planning Commission meeting of October 12, 2004, regarding this item is included in the packet.

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 last appeared before this Board at the meeting of September 21, 2004 and was postponed to allow the petitioner the opportunity of a full board.

4. D-Anna-Latter LLC, 400 E. Big Beaver. Petitioner is requesting relief of the Ordinance to maintain an existing 4'-6" high concrete screen wall located on the east and south sides of an office building under construction. The existing 4'-6" high concrete screen wall was installed by the adjacent multi-family development and was installed at a time when this property was zoned in a single-family residential zoning district. Paragraph B of Section 39.10.02 of the Ordinance required a 4'-6" high screen wall at that time. This property has now been re-zoned to an O-1 (Office) designation and as part of the development of that site a 6'-0" high wall is now required by Paragraph C of Section 39.10.01.