

AGENDA

**BOARD OF ZONING APPEALS
MARCH 18, 2003**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES MEETING OF FEBRUARY 18, 2003

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 AND #4

ITEM #3 – RENEWAL REQUESTED. K-MART, 100 E. MAPLE, for relief which will allow for an outdoor display of plant material, during the months of April through July, in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk at the west end of the building, adjacent to the building.

SUGGESTED RESOLUTION. To grant K-Mart, 100 E. Maple, a one (1) year renewal of relief which will allow for an outdoor display of plant material, during the months of April through July, in front of K-Mart along the north side of the fenced area and a four-foot section of the sidewalk at the west end of the building, adjacent to the building.

ITEM #4 – RENEWAL REQUESTED. S.O.C. CREDIT UNION, 4555 INVESTMENT DR., for relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line.

SUGGESTED RESOLUTION. To grant S.O.C. Credit Union, 4555 Investment Dr., a three (3) year renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line.

POSTPONED ITEMS

ITEM #5 – VARIANCE REQUESTED. THE BHARATIYA TEMPLE, 6850 ADAMS, for relief to maintain a berm in lieu of the 4'-6" high masonry screening wall required where off-street parking abuts residential property and relief of the minimum number of trees required along South Boulevard.

PUBLIC HEARINGS

ITEM #6 – VARIANCE REQUESTED. TOM MOSS & ASSOCIATES, 1893 BIRCHWOOD (PROPOSED ADDRESS), for relief of the front yard setback to construct a new industrial building.

ITEM #7 – VARIANCE REQUESTED. BRUCE BURLAGER, 1749 BEECH LANE DRIVE, for relief of the Zoning Ordinance to maintain a covered deck structure, which has been constructed without first obtaining the required building permit.

ITEM #8 – VARIANCE REQUESTED. CHRISTOPHER MAY, 1145 W. SOUTH BOULEVARD, for relief to construct an addition to a non-conforming structure.

AGENDA EXPLANATION

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2. RESOLVED, that Items #3 and #4 (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. Kmart, 100 E. Maple. Petitioner is requesting renewal of a variance granted by this Board on a yearly basis since 1978, which allows for an outdoor display of plant materials in front of Kmart along the north side of the fenced area and four-foot section of the sidewalk, at the west end of the building, adjacent to the building. This display is used for plants and flowers, and the variance is valid during the months of April through July. This request has been subject to the petitioner providing a corral type fence to both enclose the area of the display and maintain a safe sidewalk at the same time. This item last appeared before this Board at the meeting of March 19, 2002 and was granted a one-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Kmart, 100 E. Maple, a one-year (1) renewal of a variance which will allow for an outdoor display of plant material, during the months of April through July, in front of Kmart along the north side of the fenced area and a four-foot section of the sidewalk, at the west end of the building, adjacent to the building.

- Petitioner will provide a corral type fence to both enclose the area of the display and maintain a safe sidewalk.
- There are no complaints or objections on file.

4. S.O.C. Credit Union, 4555 Investment Dr. Petitioner is requesting renewal of a variance granted by this Board since 1987 to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning. The berm is in place and landscaping has been completed and it appears to adequately screen the sites from the south. This item last appeared before this Board at the meeting of March 21, 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant S.O.C. Credit Union, 4555 Investment Dr., a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required along the south property line abutting residential zoning.

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

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5. The Bharatiya Temple, 4850 Adams. Petitioner is requesting relief to maintain a berm in lieu of the 4'-6" high masonry screening wall required where off-street parking abuts residential and relief of the minimum number of trees required along South Boulevard. This variance has been granted by this Board on a yearly basis since December 1990 mainly due to the fact that the location is far enough away from South Boulevard and already protected by a wooded area and pond. This item last appeared before this Board at the meeting of January 2000 and was granted a three (3) year renewal. In January 2003, a motion was made by this Board to hold a Public Hearing in order that this relief may be considered for a permanent variance. This item last appeared before this Board at the meeting of February 18, 2003 and was postponed to allow the petitioner the opportunity to be present.

6. Tom Moss & Associates, 1893 Birchwood (proposed address). Petitioner is requesting relief to construct a new industrial building. Section 30.20.09 of the Troy Zoning Ordinance requires a 50' front yard setback in the M-1 (Light Industrial) Zoning District. Paragraph L of Section 31.30.00 further states that this setback shall be from all public street frontages and that these yards shall remain as landscaped open spaces. The property in question is located at the northeast corner of the intersection of Birchwood and unimproved Alger Street. Because of this, the Ordinance requires a 50' front yard setback from the south as well as the west property line. The site plan submitted shows the proposed building to be only 30' from the west property line and shows a driveway right at the west property line.

A similar request was heard by this Board in June 1995 and a variance was granted to construct a 6,142 square foot building with a zero setback from Alger, as well as relief to provide a 10' greenbelt with trees along Alger. That building has never been constructed and the variance has since expired.

7. Bruce Burlager, 1749 Beech Lane Drive. Petitioner is requesting relief to maintain a covered deck structure, which has been constructed without first obtaining the required building permit. Section 40.57.10 requires Board of Zoning Appeals approval for any detached accessory structure other than an antenna, cabana, doghouse, garage or shed. This structure has been determined to be one requiring the Boards approval.

8. Christopher May, 1145 W. South Boulevard. Petitioner is requesting relief to construct an addition to his home. Section 10.60.03 of the Zoning Ordinance requires a 50' setback from the ultimate right of way of major thoroughfares. The site plan submitted indicates the existing house has only a 30' front setback from South Boulevard. The proposed two-story addition on the east side of the home would continue this 30' front yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases its non-conformity.