

AGENDA

**BOARD OF ZONING APPEALS
JULY 15, 2003**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 17, 2003

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #6

ITEM #3 – RENEWAL REQUESTED. RICHARD & MELANIE VARKLE, 54 E. SQUARE LAKE, for relief of the requirement to provide hard surface parking and an access drive.

SUGGESTED RESOLUTION. To grant Richard & Melanie Varkle, 54 E. Square Lake, a three-year (3) renewal of relief of the requirement to provide hard surface parking and an access drive.

ITEM #4 – RENEWAL REQUESTED. KENSINGTON COMMUNITY CHURCH, 1825 E. SQUARE LAKE, for relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking.

SUGGESTED RESOLUTION. To grant Kensington Community Church, 1825 E. Square Lake, a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking.

ITEM #5 – RENEWAL REQUESTED. TROY CHURCH OF GOD, 1285 E. WATTLES, for relief to maintain a 4'-6" high berm in lieu of the 4'-6" high masonry screening wall required along the north and east side of the parking lot.

SUGGESTED RESOLUTION. To grant the Troy Church of God, 1285 E. Wattles, a three-year (3) renewal of relief to maintain a 4'-6" high berm in lieu of the 4'-6" high masonry screening wall required along the north and east side of the parking lot.

ITEM #6 – RENEWAL REQUESTED. CALVARY CHAPEL, 1975 E. LONG LAKE, for relief to maintain landscaping in lieu of the 4'-6" high masonry-screening wall required adjacent to off-street parking.

ITEM #6 – con't.

SUGGESTED RESOLUTION. To grant Calvary Chapel, 1975 E. Long Lake, a three-year (3) renewal of relief to maintain landscaping in lieu of the 4'-6" high masonry-screening wall required adjacent to off-street parking.

POSTPONED ITEMS

ITEM #7 – VARIANCE REQUESTED. G.J. SLAGON & ASSOCIATES, 1000 JOHN R., for relief of the 6' high masonry-screening wall required along the east and south property lines.

ITEM #8 – VARIANCE REQUESTED. TONY V' SUNROOMS & SPAS, REPRESENTING SERGIO LOVISA, 929 PORTSMOUTH, for relief of the rear yard setback to construct an addition.

PUBLIC HEARINGS

ITEM #9 - VARIANCE REQUESTED. MR. & MRS. JOHN RANISATE, 2238 PRESCOTT DRIVE, for Board of Zoning Appeals approval to construct a hot tub enclosure (gazebo).

ITEM #10 – VARIANCE REQUESTED. MR. & MRS. FRED JAGOW, 2885 RENSHAW, for relief of the rear yard setback to construct a patio enclosure.

ITEM #11 – VARIANCE REQUESTED. ERIC RAUCH, OF DESINE, INC., 2955 E. LONG LAKE, for relief of Sections 21.30.02 and Section 39.70.04 of the Ordinance to construct a new Taco Bell Restaurant with drive-up facilities to replace the existing Taco Bell at 2955 E. Long Lake.

ITEM #12 – VARIANCE REQUESTED. WILLIAM CLIPPERT, 3581 W. BIG BEAVER, for relief of Section 40.50.04 of the Ordinance to construct a second floor addition to a legal non-conforming structure.

ITEM #13 – VARIANCE REQUESTED. CARL SCHROEDER, 1911 RING ROAD, for relief of Section 30.20.09 of the Zoning Ordinance to construct an addition on to an existing industrial building.

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2. RESOLVED, that Items #3 through #6 (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. Richard & Melanie Varkle, 54 E. Square Lake. Petitioner is requesting relief to maintain a gravel parking lot. The Zoning Ordinance requires parking lots and drives to be hard surfaced. This Board originally granted this relief in May 1979 based on the historical significance of the site. A "Sense of Thyme" currently occupies the site. This item last appeared before this Board at the July 2000 meeting and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. To grant Richard & Melanie Varkle, 54 E. Square Lake a three-year (3) renewal of relief to maintain a gravel parking lot in lieu of the hard surface parking required by the Zoning Ordinance.

- Conditions remain the same.
- We have no objections or complaints on file.

4. Kensington Community Church, 1825 E. Square Lake. Petitioner is requesting relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking. This Board has granted this relief since 1996. Relief was originally granted based on the fact that the wall adjacent to the wetlands could be a problem and that a variance renewal will determine whether natural conditions provide necessary screening. This item last appeared before this Board at the July 2000 meeting and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. To grant Kensington Community Church, 1825 E. Square Lake, a three-year (3) renewal for relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking.

- Conditions remain the same.
- We have no objections or complaints on file.

5. Troy Church of God, 1285 E. Wattles. Petitioner is requesting relief to maintain a 4'-6" high berm in lieu of the 4'-6" high masonry screening walls required along the north and east side of the parking lot. This item last appeared before this Board at the July 2000 meeting and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

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ITEM #5 – Con't.

SUGGESTED RESOLUTION. To grant Troy Church of God, 1285 E. Wattles, a three-year (3) renewal of relief to maintain a 4'-6" high berm in lieu of the masonry screening walls required along the north and east side of the parking lot.

- Conditions remain the same.
- We have no complaints or objections on file.

6. Calvary Chapel, 1975 E. Long Lake. Petitioner is requesting relief of the Ordinance to maintain landscaping in place of the 4'-6" high masonry-screening wall required adjacent to off-street parking. This Board has granted this relief since July 1989. This item last appeared before this Board at the meeting of July 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. To grant Calvary Chapel, 1975 E. Long Lake, a three-year (3) renewal of relief to maintain landscaping in place of the 4'-6" high masonry-screening wall required adjacent to off-street parking.

- Conditions remain the same.
- We have no complaints or objections on file.

7. G.J. Slagon & Associates, 1000 John R. Petitioner is requesting relief of the 6' high masonry-screening wall required along the east and south property lines. This relief has been granted since 1981 due to the fact that the easterly portion of the property line has a retention pond adjacent to it and the south property line abuts the parking lot for the senior citizen complex. This item last appeared before this Board at the meeting of June 2003 and was postponed to allow the Building Department to publish a Public Hearing to consider making this a permanent variance.

8. Tony V's Sunrooms & Spas, representing Sergio Lovisa, 929 Portsmouth. Petitioner is requesting relief of the rear yard setback to construct an addition. The site plan submitted indicates a three-season room addition on the rear of the home with a proposed 35' rear yard setback. Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1B Zoning Districts.

This item last appeared before this Board at the meeting of June 2003 and was postponed to allow the petitioner to determine if this addition could be constructed in a manner that would require a lesser variance. The petitioner has now submitted a revised plan for this addition, a copy of which is included in your packet.

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9. Mr. & Mrs. Jon Ranisate, 2238 Prescott Drive. Petitioner is requesting approval of the Board of Zoning Appeals to construct a hot tub enclosure. Based upon the type of structure and the proposed use the closest classification that we can put this structure in would be that of a gazebo. Section 40.57.10 of the Zoning Ordinance requires Board of Zoning Appeal approval for the placement of any detached accessory structure other than an antenna, cabana, garage or shed.

10. Mr. & Mrs. Fred Jagow, 2885 Renshaw. Petitioner is requesting relief of the rear yard setback to construct a patio enclosure. The site plan submitted indicates a rear patio enclosure addition with a proposed 35' rear yard setback. Section 30.10.04 of the Zoning Ordinance requires a 40' rear yard setback in R-1C Zoning Districts.

11. Eric Rauch, of Desine, Inc., 2955 E. Long Lake. Petitioner is requesting relief of the Zoning Ordinance to construct a new Taco Bell Restaurant with drive-up facilities to replace the existing Taco Bell at 2955 E. Long Lake.

The property in question is in the B-2 (Community Business) Zoning District. Section 21.30.02 of the Zoning Ordinance requires that sites for restaurants with drive-up facilities are at least one acre in size and have at least 150' of frontage on a major thoroughfare. The site plan submitted indicates that this site is only .49 acres and has only 104.33' of frontage on Long Lake.

In addition, Section 39.70.04 requires that in addition to a 10' greenbelt across the frontage of the property, a minimum of 10% of the front or side yard of the site be maintained in landscape area. A site this size requires 2,134 square feet of landscaping. The site plan submitted indicates that approximately 1,050 square feet of landscaping are provided.

I should also note that Section 40.21.31 of the Zoning Ordinance requires at least 31 parking spaces for a restaurant with 52 seats. The plans show that only 21 parking spaces will be available on the site. This item, however, will need to be addressed with City Council subsequent to the Boards action on these matters.

12. William Clippert, 3581 W. Big Beaver. Petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition. Section 10.60.03 of the Zoning Ordinance requires a 50' front setback be provided from the West big Beaver Road master thoroughfare plan right of way line. A survey in our files dated June 6, 2000, indicates that the existing house has a setback of 23' from the existing 60' of right of way resulting in an approximate 19' encroachment into the future 102' right of way. Because of the setback deficiency and the age of the home, the existing home is a legal non-conforming structure. The proposed addition would add a second floor over this existing portion of the home. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

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13. Carl Schroeder, 1911 Ring Road. Petitioner is requesting relief of the Ordinance to construct an addition on to an existing industrial building. Section 30.20.09 of the Troy Zoning Ordinance requires a minimum front yard setback of 50' in the M-1 (Light Industrial) Zoning District. The site plan submitted indicates that the proposed building addition would be within 40' of the front property line. Paragraph L of Section 31.30.00 of the Ordinance further requires that this front yard be maintained free of parking. The plans indicate parking spaces within 5' of the front property line.