

AGENDA

**BOARD OF ZONING APPEALS
AUGUST 19, 2003**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 15, 2003

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5

ITEM #3 – RENEWAL REQUESTED. WILLIAM NELSON, FIRE CHIEF CITY OF TROY, 4850 JOHN R., for relief of the Zoning Ordinance requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property.

SUGGESTED RESOLUTION. To grant William Nelson, Fire Chief, City of Troy, 4850 John R., a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property.

ITEM #4 – RENEWAL REQUESTED. MI DEV AMERICA, INC., 600 WILSHIRE, for relief of the required 6' high masonry-screening wall on the west property line abutting residential zoned property.

SUGGESTED RESOLUTION. To grant MI DEV America, Inc., 600 Wilshire, a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 6' high masonry-screening wall on the west property line abutting residential zoned property.

ITEM #5 – RENEWAL REQUESTED. ST. ELIZABETH ANN SETON CATHOLIC CHURCH, 280 E. SQUARE LAKE, for relief of the 4'-6" high masonry screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property.

SUGGESTED RESOLUTION. To grant St. Elizabeth Ann Seton Catholic Church, 280 E. Square Lake, a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 6' high masonry-screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property.

POSTPONED ITEMS

ITEM #6 – VARIANCE REQUESTED. PASTOR LYNN SURGENER, 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.

ITEM #7 – VARIANCE REQUESTED. PASTOR DAVID HALAN, 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 #8 – 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.

PUBLIC HEARINGS

ITEM #9 – VARIANCE REQUESTED. HARRY & SUNNIE KWON, 38921 DEQUINDRE, for relief of the required screen wall for a 35' long portion of the west property line where the property borders residential zoned property.

ITEM #10 – VARIANCE REQUESTED. CHUCK MUNSALLE, 1340 CAMBRIA, for relief of the Zoning Ordinance to construct an attached pergola on an existing legal non-conforming house with a 17 foot front setback where a 25 foot front setback is required.

ITEM #11 – VARIANCE REQUESTED. ANUP DESHMUKH, 2457 CEDAR KNOLL, for relief of the rear yard setback to construct an uncovered deck with a 22 foot rear yard setback where a 25 foot yard setback is required.

AGENDA EXPLANATION

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2. RESOLVED, that Items #3 through #5 (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. William Nelson, Fire Chief City of Troy, 4850 John R. Petitioner is requesting renewal of relief granted by this Board of the Zoning Ordinance Requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property. This item first appeared before this Board in August 2000 and was granted a three-year (3) variance at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant William Nelson, Fire Chief, City of Troy, 4850 John R., a three-year (3) renewal of relief of the Zoning Ordinance requirement for a 4'-6" high masonry screening wall between off-street parking areas and adjacent residentially zoned property on the east side of the property.

- There is an existing drain on the east side of the property.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

4. MI DEV America, Inc., 600 Wilshire. Petitioner is requesting relief of the 6' high masonry screening wall required on the property abutting residential zoned property on the west side. The site has been constructed and occupied and landscaping berms along the west property line have been completed. This Board originally granted this variance in 1996. This item last appeared before this Board in August 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 MI DEV America, Inc., 600 Wilshire, a three-year (3) renewal of relief of the 6' high masonry screening wall required on the west side of the property, which abuts residential zoned property.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

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5. St. Elizabeth Ann Seton Catholic Church, 280 E. Square Lake. Petitioner is requesting renewal of relief granted by this Board of the 4'-6" high masonry screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property. This item first appeared before this Board at the meeting of August 2000 and was granted a three-year (3) variance at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant St. Elizabeth Ann Seton Catholic Church, 280 E. Square Lake, a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required on the north and northern portion of the west side of the property where the parking lot abuts residential zoned property.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

6. Pastor Lynn Surgener, 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 wall required along the north and east side of the parking lot. The Board of Zoning Appeals on a yearly basis has granted this variance since April 1986. The item last appeared before this Board at the meeting of July 2003 and was postponed to allow the Building Department to publish a Public Hearing in order to consider making this a permanent variance. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Pastor Lynn Surgener, Troy Church of God, a variance 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.

- There are no complaints or objections on file.
- Variance is not contrary to public interest.
- Conditions remain the same.

7. Pastor David Halan, Calvary Chapel, 1975 E. Long Lake. Petitioner is requesting relief to maintain existing landscaping in lieu of the 4'-6" high masonry-screening wall required adjacent to off street parking. The Board of Zoning Appeals has granted this variance on a yearly basis since July 1989. This item last appeared before this Board at the meeting of July 2003 and was postponed to allow the Building Department to publish a Public Hearing in order to consider making this a permanent variance. Conditions remain the same and we have no complaints or objections on file.

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8. 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 July 2003 and was postponed to allow the petitioner the opportunity to be present.

9. Harry & Sunnie Kwon, 38921 Dequindre. Petitioners are requesting relief of the required screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This portion of the site has an underground pipeline easement, and the holder of the easement has denied permission to place the wall within their easement. The 6' high screen wall is required by Section 39.10.01 of the Zoning Ordinance.

10. Chuck Munselle, 1340 Cambria. Petitioner is requesting relief of the Ordinance to construct an attached pergola. This lot is a double front corner lot. As such, it has front yard requirements along both Cambria and Barabeau. Section 30.10.05 requires a 25' minimum front yard setback in R-1D Zoned Districts. The site plan submitted indicates the existing house has a 17' front setback along Barabeau. The proposed pergola would attach to the rear of the house and continue this 17' front setback. Section 40.50.04 prohibits expansions or alterations to non-conforming structures in a way that increases its non-conformity.

11. Anup Deshmukh, 2457 Cedar Knoll. Petitioner is requesting relief of the rear yard setback to construct an uncovered deck. The site plan indicates a 22' rear setback to the proposed deck. Section 41.45.00 requires a 25' minimum rear setback for uncovered decks in R-1E Zoning Districts.