

AGENDA

BOARD OF ZONING APPEALS OCTOBER 21, 2003

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

CALL TO ORDER

ROLL CALL

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

PUBLIC HEARINGS

ITEM #2 – JANE WIEGERS, 1054 VERMONT, for relief of Section 30.10.06 to construct a covered front porch resulting in a 22' front setback to the front face of the porch where a 25' setback is required.

ITEM #3 – JAMES HARRIS, 2888 BINBROOKE, for relief of Section 30.10.02 to construct a master suite addition on the west side of his home, which would result in a 6'-2" side yard setback where a minimum 10' minimum side yard setback is required.

ITEM #4 – MR. & MRS. GARY BUSSA, 3851 VICTORIA, for relief of Section 30.10.04 to construct a covered front porch, which would result in a 28'-4" front setback where 30' is required.

ITEM #5 – MR. & MRS. HAILER, 2851 SUNRIDGE, for relief of Section 40.50.04 to construct a second floor addition continuing an existing non-conforming 9' side yard setback.

ITEM #6 – MR. JOHN POTVIN, 5648 CLEARVIEW DR., for relief of Section 30.10.02 to construct a family room addition, which would result in a 28' rear yard setback where 45' is required.

ITEM #7 – DEPOR INDUSTRIES, INC., 1902 NORTHWOOD, for relief of Section 30.20.09 to construct an addition to an existing industrial building, which would result in 42% lot coverage where 40% maximum is permitted.

ITEM #8 – JANET CLARK, 90 WOODSLEE, for relief of Section 40.57.05 to maintain a detached garage constructed within 3' of the side lot line where 6' is required.

ITEM #9 – GOLDEN GATE SHOPPING PLAZA, LLC, 2967 E. BIG BEAVER, for relief of Paragraph G of Section 31.30.00 to construct an addition to an existing commercial building, which will result in a 41.7' setback to residentially zoned property where 75' is required.

ITEM #10 – PAUL FLECK, 2805 RANIERI, for relief of Section 30.10.05 to construct a patio enclosure addition, which would result in a 26' rear yard setback where 40' is required.

ITEM #11 – MR. & MRS. DEWITT, 4871 RIVERS EDGE, for relief of Section 30.10.02 and Section 41.50.00 to construct a screened porch addition, which would result in a rear setback of 43'-2" to the wall where 45' is required, and a 42' minimum rear yard setback to the roof overhang where 45' is required.

ITEM #12 – DON BARTLETT, 150 FLORENCE, for relief of Section 40.57.04 to construct a freestanding gazebo, which would result in a total area of all accessory buildings to 1,254 square feet where 662 square feet are allowed; relief to place this building in a side yard location where Section 40.57.03 limits the location of accessory buildings to rear yard locations and, also approval under Section 40.57.03 which requires Board of Zoning Appeals approval for the placement of a freestanding gazebo.

ITEM #13 – CORDELL CRAIG, 366 W. MAPLE (PROPOSED ADDRESS), for relief of Section 23.30.04 to construct a car wash with the stacking lane located right along a property line adjacent to residentially zoned property, where 25' is required; and, also for relief to construct this building with a 5' side yard setback where Paragraph E of Section 31.30.00, requires a minimum 10' side yard setback.

ITEM #14 – WHITE CHAPEL CEMETERY, 621 W. LONG LAKE, for relief of Section 40.57.06 to construct a 32' tall roof mounted antenna on an existing building where 12' is allowed.

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2. Jane Wiegers, 1054 Vermont. Petitioner is requesting relief of Section 30.10.06 of the Zoning Ordinance to construct a covered front porch, which would result in a 22' front setback to the front face of the porch roof. Section 30.10.06 requires a 25' minimum front setback in R-1E Zoning Districts.
3. James Harris, 2888 Binbrooke. Petitioner is requesting relief of Section 30.10.02 of the Zoning Ordinance to construct an addition to his home. The site plan submitted indicates a master suite addition on the west side of the home resulting in a 6'-2" side yard setback on the west side and a total of both side yards of 23'-2". Section 30.10.02 requires a 10' minimum side yard setback and a total of both sides of 25' in a R-1B Zoning District.
4. Mr. & Mrs. Gary Bussa, 3851 Victoria. Petitioners are requesting relief to construct a covered front porch to their home. The site plan submitted indicates the construction of a covered front porch with a proposed 28'-4" front setback. Section 30.10.04 requires a 30' minimum front setback in R-1C Zoning Districts.
5. Mr. & Mrs. Hailer, 2851 Sunridge. Petitioners are requesting relief of Section 40.50.04 to construct a second floor addition on an existing non-conforming structure. Section 30.10.02 requires a 10' minimum side yard setback and a 25' minimum total of both side yard setbacks in the R-1B Zoning District. The plot plan submitted indicates the existing house has a 9' side yard setback and 22.3' total side yard setbacks. The proposed second floor addition would continue the 9' non-conforming setback. Section 40.50.04 of the Zoning Ordinance prohibits expansions of non-conforming structures in a way that increases the non-conformity.
6. John Potvin, 5648 Clearview Dr. Petitioner is requesting relief of the Zoning Ordinance to construct a family room addition. The site plan submitted indicates a family room addition at the rear of the home with a proposed 28' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoned Districts.
7. Depor Industries, Inc., 1902 Northwood. Petitioners are requesting relief of the Ordinance to construct an addition to an existing industrial building. Section 30.20.09 of the Troy Zoning Ordinance limits the lot coverage of building in the M-1 (Light Industrial) Zoning District to not more than 40% of the lot area. The proposed addition would result in 42% lot coverage on this site. In order to implement this proposed construction the petitioners would also need to obtain a parking variance for 7 parking spaces. This matter will appear before the City Council at their October 27, 2003 meeting.

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8. Janet Clark, 90 Woodslee. Petitioner is requesting relief to maintain a detached garage constructed within 3' of the side yard setback. Section 40.57.05 of the Zoning Ordinance requires a minimum 6' side yard setback for accessory buildings. A contractor hired by the petitioner obtained a permit to construct a new detached garage. The plans submitted with the permit application indicate a 6' setback from the building to the side lot line. The builder, however, constructed the building only 3' from the side lot line. This deficiency was not discovered at the time of the footing inspection and was only discovered after the building was constructed.

9. Golden Gate Shopping Plaza, LLC, 2967 E. Big Beaver. Petitioners are requesting relief of the Ordinance to construct a loading dock addition at the rear of an existing commercial building. The proposed addition on the north side of the building will result in a 41.7' setback to the north property line. The adjacent property to the north is in the R-1D (One-Family Residential) Zoning District. Paragraph G of Section 31.30.00 requires that no building be located closer than 75' to the property line when the property abuts a residential district.

10. Paul Fleck, 2805 Ranieri. Petitioner is requesting relief of the Ordinance to construct a patio enclosure addition on the rear of his home. The site plan submitted indicates a 26' rear yard setback to the proposed patio enclosure. Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts.

11. Mr. & Mrs. Dewitt, 4871 Rivers Edge. Petitioners are requesting relief of the Ordinance to construct a screened porch addition at the rear of their home. The site plan submitted indicate a screened porch addition with proposed rear setbacks of 43'-2" to the wall and 40'-8" to the roof overhang. Section 30.10.02 requires a 45' minimum rear setback to the wall and Section 41.50.00 requires a 42' minimum rear yard setback to the roof overhang in the R-1B Zoning District.

12. Don Bartlett, 150 Florence. Petitioner is requesting relief of the Ordinance to construct a freestanding gazebo. The application submitted indicates construction of a 207 square foot gazebo located in the side yard. The site plan also shows an existing 1047 square foot detached garage, which would bring the total area of all accessory buildings to 1,254 square feet. Section 40.57.04 limits the area of all accessory buildings to 600 square feet or one-half the ground floor area of the main building whichever is greater. The existing house footprint is 1,324 square feet; therefore, the total area of accessory buildings is limited to 662 square feet.

Also, Section 40.57.03 of the Ordinance prohibits the placement of an accessory structure in any yard except a rear yard and Section 40.57.10 requires the Board of Zoning Appeals approval for the placement of a freestanding gazebo.

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13. Cordell Craig, 366 W. Maple (proposed address). Petitioner is requesting relief of the Ordinance to construct a car wash. Section 23.30.04 of the Zoning Ordinance requires that drives providing stacking spaces for car washes be a minimum of 25' from any Residential District. A previously submitted plan showed these stacking spaces located 12' from the east property line. A variance to allow the 12' where 25' is required was approved by the Board in May of 2002. New plans have now been submitted that indicate that the stacking lane will be located right along the property line at the northeast corner of the site where it abuts residentially zoned property.

In addition, the petitioner's plan indicates that the building will be located 5' from the west property line. Paragraph E of Section 31.30.00 requires a minimum 10' side yard setback when a B-3 (General Business) zoned site abuts an M-1 (Light Industrial) zoned site. A similar variance was approved by the Board in February of 2002, however, the petitioner failed to obtain the necessary building permit within the one year time frame.

14. White Chapel Cemetery, 621 W. Long Lake. Petitioners are requesting relief of the Ordinance to construct a 32' tall roof mounted antenna on the existing building at 621 W. Long Lake. Section 40.57.06 of the Zoning Ordinance limits the height of roof-mounted antennas to not more than 12' above the highest point of the roof. The site plan submitted indicates that the antenna, which is designed to look like a flagpole, will extend 32' above the roof surface.