

AGENDA

BOARD OF ZONING APPEALS APRIL 16, 2002

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 19, 2002

RENEWALS

ITEM #2 – RENEWAL REQUESTED. ST. MARK COPTIC ORTHODOX CHURCH, 3603 & 3615 LIVERNOIS, for relief to construct a landscaped berm and used existing natural vegetation in lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

PUBLIC HEARINGS

ITEM #3 – VARIANCE REQUESTED. SCHNELZ, WELLS, MONAGHAN & WELLS, REPRESENTING NEXTEL WEST CORPORATION, 6966 CROOKS ROAD, for relief of Paragraph E of Section 24.30.05 of the Zoning Ordinance to construct a 100' tall monopole tower which would not meet the setback requirement from residentially zoned property.

ITEM #4 – VARIANCE REQUESTED. HARRY JAVENS, 3200 ESSEX, for relief of Paragraph A of Section 40.50.04 of the Zoning Ordinance to construct a second floor addition that will expand a legal non-conforming structure at 3200 Essex.

ITEM #5 – VARIANCE REQUESTED. NATIONAL TV BOOK CO., 209 PARK, for relief of Section 30.20.09 of the Zoning Ordinance to install pollution control equipment in the side yard setback at 209 Park.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

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2. St. Mark Coptic Orthodox Church, 3603 & 3615 Livernois. Petitioner is requesting renewal granted by this Board in 1999 to construct a landscaped berm in lieu of the 4'-6" high masonry wall on the south side of their parking lot as part of a new church construction at the rear of the existing site. The Church obtained a Building Permit in August 2000, and the construction is still on going.

The petitioner is also requesting relief granted by this Board to maintain landscaping and natural screening elements in lieu of the 4'-6" high masonry screening wall required adjacent to their existing off-street parking area. A berm to the north and a natural vegetation barrier to the south presently screen this parking. This renewal has been granted on a yearly basis since 1978.

This renewal last appeared before this Board at the meeting of April 2000 and was granted a two (2) year variance. Petitioner is before the Board to request an extension of this renewal.

3. Schnelz, Wells, Monaghan & Wells, representing Nextel West Corporation, 6966 Crooks Road. Petitioner is requesting relief of the Zoning ordinance to construct a 100' tall monopole tower. The property that is located 100' to the east is located in the R-1B (One Family Residential) Zoning District and the property located 208' south of this site is in the REC (Residential Elder Care) Zoning District. Paragraph E of Section 24.30.05 of the Troy Zoning Ordinance requires that freestanding communication towers be located no less than a distance five times their height from residentially zoned property. In the case of a 100' tower this would require a 500' setback. This tower is proposed to be located 100' from the east property line and 310' from the residential property to the south.

4. Harry Javens, 3200 Essex. Petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition. The site plan submitted indicates that the existing house has a 36.6' rear yard setback and the proposed second floor addition continuing the 36.6' rear setback. Section 30.10.04 requires a 40' minimum rear yard setback for R-1C Zoning. This home was built when the Zoning Ordinance required a 35' minimum rear yard setback in the R-1C Zoning District. Because of the subsequent change in the Zoning Ordinance, this building is classified as a legal non-conforming structure. Section 40.50.04 prohibits expansions of legal non-conforming structures in a way that increases its non-conformity.

5. National Television Book Co., 209 Park. Petitioner is requesting relief of the side yard setback requirement to install pollution control equipment. The site plan submitted indicates the placement of a mechanical pollution control structure in a side yard, 4'-1 3/4" from the north property line. Section 40.57.03 prohibits the placement of accessory structures in any yard except a rear yard and Section 40.57.05 requires a 6' minimum setback from any property line to an accessory structure.

In July 2001, this petitioner was granted relief of the Zoning Ordinance to construct an 18,852 square foot building addition resulting in a rear yard setback of 10' where 20' is required.