

AGENDA

**BOARD OF ZONING APPEALS
MAY 21, 2002**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 16, 2002

RENEWALS

ITEM #2 – RENEWAL REQUESTED. SPECIAL TREE REHABILITATION SERVICES, INC., 1640 AXTELL, for relief of the 6' high masonry screening wall required along the north property line.

ITEM #3 – RENEWAL REQUESTED. BETHESDA ROMANIAN CHURCH, 2075 E. LONG LAKE, for relief of the 4'6" high masonry screening wall required along the east side off-street parking.

POSTPONED ITEMS

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.

PUBLIC HEARINGS

ITEM #5 – VARIANCE REQUESTED. MR. ENCLOSURE, REPRESENTING MR. & MRS. TOPACIO, 2250 CUMBERLAND, for relief of the rear yard setback to construct a three-season room.

ITEM #6 – VARIANCE REQUESTED. MR. & MRS. MICHAEL DARMANIN, 670 TRINWAY, 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.

ITEM #7 – VARIANCE REQUESTED. MR. KENT MELLEBRAND, 1065 HARTLAND, for relief of the ordinance to construct a 576 square foot detached garage which will exceed the maximum allowable square footage for accessory buildings on a property.

ITEM #8 – VARIANCE REQUESTED. MS. CARMEN COLLINS, 2236 ISABELL, for relief of the side yard setback requirement to construct a detached garage.

ITEM #9 – VARIANCE REQUESTED. STANLEY MILLS, 2064 HIGBURY, for relief of the rear yard setback to construct a rear addition.

ITEM #10 – VARIANCE REQUESTED. ADAM PACHANA, 6787 LOCUST, for relief to maintain an existing non-conforming addition that is located 7.4' from the side property line.

ITEM #11 – VARIANCE REQUESTED. Murray Scott, 3831 Kingspoint, for relief of the ordinance to construct a 50' radio antenna structure.

ITEM #12 – VARIANCE REQUESTED. Cordell Craig, 366 W. Maple (proposed address), to construct a car wash, which will have the stacking lane 12' from the R-1E Zoned property at the northeast corner of the site.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

MAY 21, 2002

2. Special Tree Rehabilitation Services, 1640 Axtell. Petitioner is requesting renewal of relief granted by this Board regarding the 6' high masonry-screening wall that is required along the north property line. This relief was originally granted in 1987 based on the fact that the residential land to the north is used by Michigan Bell for a switching station building. This item last appeared before this Board at the meeting of May 1999 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

3. Bethesda Romanian Church, 2075 E. Long Lake. Petitioner is requesting renewal of relief granted by this Board regarding the 4'6" high masonry screening wall required along the east side of off-street parking. This item last appeared before this Board at the meeting of May 2000 and was granted a two (2) year renewal to allow the petitioner the opportunity to add additional plantings to screen the neighbor's property. Mr. Ron Hynd of the Parks and Recreation Department has attempted to get a letter of acceptance from the resident that borders the driveway, but as of this date has not obtained this letter.

4. Harry Javens, 3200 Essex. Petitioner is requesting relief to construct a second floor addition to his home. The survey submitted indicates that the existing house has a 36.6' rear yard setback and a 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 structure 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.

This item appeared on your agenda of April 16, 2002 and was postponed at the request of the petitioner.

5. Mr. Enclosure, representing Mr. & Mrs. Topacio, 2250 Cumberland. Petitioner is requesting relief of the rear yard setback to construct a three-season room. The site plan submitted indicates construction of a three-season room addition resulting with a proposed 30.8' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

6. Mr. & Mrs. Michael Darmanin, 670 Trinway. Petitioner is requesting relief of the Ordinance to construct a second floor addition. The site plan submitted indicates that the existing house has a 5.1' side yard setback to the west property line. Section 30.10.04 requires a minimum 10' side yard setback in the R-1C Zoning District. The existing house is classified as a legal non-conforming structure. The proposed second floor addition continues the existing 5.1' side yard setback. This expansion of the legal non-conforming structure is prohibited by Section 40.50.04 of the Troy Zoning Ordinance.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

MAY 21, 2002

7. Kent Mellebrand, 1065 Hartland. Petitioner is requesting relief of the Ordinance to construct a 576 square foot detached garage. The site plan submitted indicates an existing 320 square foot detached garage and the construction of a new separate 576 square foot detached garage. Section 40.57.04 limits the total area of all accessory buildings on a parcel of land to 600 square feet or one half the ground floor area of the main building; whichever is greater. Based upon the fact that the existing home has a ground floor area of 854 square feet, only 600 square feet of accessory building are permitted. The proposed construction would result in 896 square feet of accessory buildings.

8. Carmen Collins, 2235 Isabell. Petitioner is requesting relief of the side yard setback to construct a detached garage. The site plan submitted indicates replacing an existing 493 square foot detached garage with a new detached garage that is 600 square feet. The site plan indicates that the new garage will be placed in approximately the same location as the existing garage, which is 4'-1" from the west side property line. Section 40.57.05 requires a 6' minimum setback to the side property line for a new accessory building.

9. Stanley Mills, 2064 Highbury. Petitioner is requesting relief of the rear yard setback to construct a rear yard addition. The site plan submitted indicates a bedroom addition with a proposed 33.3' rear yard setback. Section 34.20.03 requires a 35' minimum rear yard setback in the R-1C Zoning District.

10. Adam Pachana, 6787 Locust. Petitioner is requesting relief of the Zoning Ordinance to maintain an existing non-conforming addition that is located 7.4' from the side property line. An addition was constructed on this house in 1998 without first obtaining a building permit. Surveys indicate that this addition is located as close as 7.4' from the east property line. Section 30.10.02 of the Zoning Ordinance requires a side yard setback of 10' in the R-1B Zoning District. The petitioner is requesting relief in order to keep this addition with the non-conforming setback.

This item first appeared before this Board at the meeting of March 20, 2001 and the Board denied this request. Mr. Pachana has appealed the Board's decision to Circuit Court and Circuit Court remanded this item back to this Board for clarification of the reasons for denial.

11. Murray Scott, 3831 Kingspoint. Petitioner is requesting relief of the ordinance to construct a 50' tall amateur radio antenna structure. The site plan submitted indicates a proposed 50' high freestanding antenna structure. Section 40.57.06 limits the height of this structure to 25' in the R-1C Zoning District. The Board should note the specific consideration requirements of Paragraph B, of Section 43.80.00 of the Zoning Ordinance.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

MAY 21, 2002

12. Cordell Craig, 366 W. Maple (proposed address). Petitioner is requesting relief of the Zoning Ordinance to construct a car wash at 366 W. Maple (proposed address). This proposal appeared on your agenda of February 19, 2002 regarding a request for a reduced side yard setback along the west property line. During the staff review of the site plan, another item requiring the Board's action was overlooked. 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. The plans indicate that the stacking lane will be located 12' from the R-1E Zoned property at the northeast corner of the site.