

## **AGENDA**

### **BOARD OF ZONING APPEALS JULY 16, 2002**

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

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 18, 2002**

#### **RENEWALS**

**ITEM #2 – RENEWAL REQUESTED. VERSATUBE CORPORATION, 4755 ROCHESTER,** for relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

**ITEM #3 – RENEWAL REQUESTED. MR. & MRS. AL KING, 2212 LIVERNOIS, ATLAS VENEER FIREPLACES,** for relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

**ITEM #4 – RENEWAL REQUESTED. MIDWEST GUARANTY BANK, 5950 ROCHESTER,** for relief of the 6' high masonry screening wall required along the south and east property lines where it abuts residentially zoned property.

**ITEM #5 – RENEWAL REQUESTED. OSPREY LTD, 2701 TROY CENTER DRIVE,** for relief of the 6' high masonry screening wall required along the north property line where it abuts residentially zoned property.

#### **POSTPONED ITEMS**

**ITEM #6 – VARIANCE REQUESTED. KENT MELLEBRAND, 1065 HARTLAND,** for relief to construct a 576 square foot detached garage that would result in 896 square feet of accessory building where 600 square feet are permitted.

#### **PUBLIC HEARINGS**

**ITEM #7 – VARIANCE REQUESTED. WILLIAM SWETLAND, 575 TRINWAY,** for relief to construct a detached garage which would bring the total area of all accessory buildings to 870 square feet where only 750 square feet are allowed on this site by Section 40.57.04.

**ITEM #8 – VARIANCE REQUESTED. WILLIAM WARREN, 6044 NILES,** for relief to construct a storage shed in the side yard of this property where a rear yard location is required by Section 40.57.03.

**ITEM #9 – VARIANCE REQUESTED. RICHARD GERMAN, 1281 BOYD,** for approval, as required by Section 40.57.10, to maintain a pigeon coop on residential property and to have accessory buildings totaling 748 square feet where only 600 square feet are permitted by Section 40.57.04.

**ITEM #10 – VARIANCE REQUESTED. JOE FEKO, 917 DURHAM,** for approval to construct a freestanding gazebo as required by Section 40.57.10.

**ITEM #11 – VARIANCE REQUESTED. MAPLEWOOD CT. LLC, 440 E. MAPLE (PROPOSED ADDRESS),** for relief to construct an 11,872 square foot multi-tenant light industrial building with parking in the front setback where a 50' landscaped front yard is required by Paragraph L of Section 31.30.00.

**ITEM #12 – VARIANCE REQUESTED. WILLIAM JACKA, 3971 ESTATES,** for relief to construct a sunroom addition on the rear of an existing house with a 32' setback from the property line along Wattles where 40' is required by Section 30.10.02.

**ITEM #13 – VARIANCE REQUESTED. DENNIS M. TORPEY, 3330 ROCHESTER ROAD (PROPOSED ADDRESS),** for relief to construct a new multi-tenant commercial building with a 39' front yard setback where 75' is required by Section 30.20.05.

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

JULY 16, 2002

2. Versatube Corporation, 4755 Rochester. Petitioner is requesting renewal of relief granted by this Board in regard to a 6' high masonry screening wall required along the north and west property lines of their site that abuts residential zoning. The Zoning Ordinance requires that a 6' high masonry-screening wall be provided at the zoning boundary. This Board has granted this relief since 1985. The Board granted relief allowing the petitioner to install an 8' high steel fence in lieu of the wall based on the fact that the fence suits the needs probably as well as, if not better, than the masonry wall. This item last appeared before this Board in August 1999 and was granted a three-year renewal. An application to rezone the adjacent property to the north to allow a residential townhouse development has recently been submitted to the City. Other than that, conditions remain the same and we have no complaints or objections on file.
3. Mr. & Mrs. Al King, 2212 Livernois. Petitioners are requesting relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally granted this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. This item last appeared before this Board in July 2000 and was granted a two (2) year renewal. Conditions remain the same, and we have no complaints or objections on file.
4. Midwest Guaranty Bank, 5950 Rochester Road. Petitioner is requesting relief of the 6' high masonry screening wall required along the south and east property lines. These property lines abut residential zoning and relief was originally granted in 1977 based on the fact that a river surrounded the area and there was a substantial brush growth that adequately screens the abutting residential land. This item last appeared before this Board in August 1999 and was granted a three (3) year renewal. Conditions remain the same, and we have no objections or complaints on file.
5. Osprey LTD, 2701 Troy Center Drive. Petitioner is requesting relief of the 6' high masonry-screening wall required along the north property line. The petitioner was originally granted this relief based on the fact that they would install 280' of decorative metal fencing and landscaping along this north property line that abuts a residential apartment complex. This item last appeared before this Board in August 1999 and was granted a three (3) year renewal. Conditions remain the same, and we have no objections or complaints on file.
6. Kent Mellebrand, 1065 Hartland. Petitioner is requesting relief to construct a 576 square foot detached garage that would result in 896 square feet of accessory building where 600 feet are permitted. This item first appeared before this Board at the meeting of June 18, 2002 and was postponed to allow the petitioner to explore the possibility of attaching this proposed garage to his home.

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

JULY 16, 2002

7. William Swetland, 575 Trinway. Petitioner is requesting relief to construct a detached garage. The application submitted indicates that the proposed detached garage would be 624 square feet. The site plan submitted also shows an existing 245 square foot shed, which would bring the total area of all accessory buildings to 870 square feet. Section 40.57.04 limits the area of all accessory buildings on a site to 600 square feet or one-half the ground floor area of the main building; whichever is greater. The house footprint is 1500 square feet. As such, accessory buildings are limited to 750 square feet on this site.

8. William Warren, 6044 Niles. Petitioner is requesting relief to construct a storage shed. The site plan submitted indicates the proposed location of the shed on the north side of the home. This location places the proposed accessory building in the side yard of the property. Section 40.57.03 prohibits the placement of an accessory building in any yard except a rear yard.

9. Richard German, 1281 Boyd. Petitioner is requesting relief to maintain a pigeon coop which was constructed without first obtaining a Building Permit. The site plan submitted indicates that there are two (2) sheds; a garage and the proposed pigeon coop currently on the property. Petitioner has indicated that he would remove the two (2) sheds if granted a variance for the pigeon coop.

The pigeon coop and detached garage that will remain have a combined floor area of 748 square feet. Section 40.57.04 limits the total of all accessory buildings on a site to 600 square feet or one-half the ground floor area of the main building; whichever is greater. The ground floor area of the house is 920 square feet, which means that the total allowable area of accessory buildings cannot exceed 600 square feet.

Also, Section 40.57.10 requires Zoning Board of Appeals approval for the placement of any accessory building other than a shed, garage, cabana, doghouse or antenna.

10. Joe Feko, 917 Durham. Petitioner is requesting relief to construct a deck and freestanding gazebo. Section 40.57.10 requires the Board of Zoning Appeals approval for the placement of any accessory structure other than a garage, shed, cabana or doghouse.

11. Maplewood Ct., LLC, 440 E. Maple (proposed address). Petitioner is requesting relief to construct an 11,872 square foot multi-tenant light industrial building. This property is located at the southeast corner of Maple and Combermere. The site plan submitted shows parking within 10' of the property line along Combermere. Section 30.20.09 (L) of the Zoning Ordinance requires a 50' front setback from all public streets and does not allow parking or structures within the required setback.

## AGENDA EXPLANATION

### BOARD OF ZONING APPEALS

JULY 16, 2002

**12.** William Jacka, 3971 Estates. Petitioner is requesting relief to construct a sunroom addition on the rear of his existing home. This property is located at the southwest corner of Estates and Wattles. This lot is a double front corner lot. As such, Section 30.10.02 requires a 40' minimum front setback from both Estates Drive and Wattles Road. The site plan submitted indicates a proposed sunroom addition with a 32' setback to the property line along Wattles Road.

In May 1970, a variance was granted by the Board of Zoning Appeals for the construction of this home with a 25' front setback to Wattles Road. This variance granted an exception for the original house only, and did not include future expansions.

**13.** Dennis Torpey, 3330 Rochester (proposed address). Petitioner is requesting relief to construct a new multi-tenant commercial building. The property in question is located at the northeast corner of Rochester Road and Torpey Drive and is in the B-2 (Community Business) Zoning District. The location of this property and the orientation of the properties around it make it a double-front corner lot. Section 30.20.05 of the Troy Zoning Ordinance requires a 75' front yard setback in the B-2 Zoning District. The site plan submitted indicates that the building is proposed to be located only 39' from the property line along Torpey Drive.