

**AGENDA**

**BOARD OF ZONING APPEALS  
SEPTEMBER 17, 2002**

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

**CALL TO ORDER**

**ROLL CALL**

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 20, 2002**

**RENEWAL ITEMS**

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #8**

**ITEM #3 – RENEWAL REQUESTED. HANDLEMAN COMPANY, 500 KIRTS,** for relief of the 6' high masonry-screening wall required along the north property line.

**ITEM #4 – ITEM WITHDRAWN**

**ITEM #5 – RENEWAL REQUESTED. F & R INVESTMENTS, 6050-6054 LIVERNOIS,** for the relief of the 6' high masonry-screening wall required along the north and east property lines.

**ITEM #6 – RENEWAL REQUESTED. ARNOLD BECKER, 2840-2880 ROCHESTER,** for relief of the 4'-6" high masonry-screening wall required adjacent to off-street parking.

**ITEM #7 – RENEWAL REQUESTED. TROY CHURCH OF CHRIST, 800 TROMBLEY,** for relief of the 4'-6" high masonry-screening wall required along the east, south and west sides of off-street parking.

**ITEM #8 – RENEWAL REQUESTED. ST. NICHOLAS GREEK ORTHODOX CHURCH, 760 W. WATTLES,** for relief to maintain 4'-6" high landscaped berms in lieu of the 4'-6" high masonry-screening wall required adjacent to parking areas.

## **POSTPONED HEARINGS**

**ITEM # 9 – 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 #10 – VARIANCE REQUESTED. MURRAY SCOTT, 3831 KINGSPPOINT**, for relief to construct a 50' high freestanding antenna structure.

**ITEM #11 – VARIANCE REQUESTED. CHERYL WHITTON, ARCHITECTURAL CONSORTIUM, INC., ST. ANASTASIA CHURCH, 4571 JOHN R.**, for relief of the Ordinance to construction an addition to the existing Church, which does not include a 4'-6" high obscuring wall between the parking lot and adjacent residential property.

**ITEM #12 – VARIANCE REQUESTED. MANISH & SONAL MEHTA, 710 SYLVANWOOD**, for relief of the side yard setback to construct a second floor addition.

**ITEM #13 – VARIANCE REQUESTED. HAROLD & BETTY MALAKINIAN, 2345 FOREST TRAIL**, for relief of the rear yard setback to construct a sunroom addition.

## AGENDA EXPLANATION

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### ACTION ON RENEWALS

**2. RESOLVED**, that Items #3 through #8 (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.** Handleman Company, 500 Kirts. Petitioner is requesting renewal of relief, granted by this Board, of the required 6' high masonry-screening wall along their northern property line where it abuts residentially zoned land. This relief was originally granted in 1984, based on the fact that the petitioner would be installing a berm with evergreen and deciduous plantings to screen the residential sites. A portion of the property to the north has been rezoned to the C-F zoning classification and therefore the renewal of relief is only required for the west 606 feet. This item last appeared before this Board in September 1999 and was granted a three (3) year renewal at that time. Other than the change of adjacent zoning the conditions remain the same and there are no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant the request of Handleman Company, 500 Kirts, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west 606 feet of their northern property line where it abuts residentially zoned land.

- A berm with landscape is provided along the property line.
- Conditions remain the same.
- There are no objections or complaints on file.

### 4. ITEM WITHDRAWN

**5.** F & R Investments, 6050-6054 Livernois. Petitioner is requesting renewal of relief granted by Board of the 6' high masonry-screen wall required along the north and east property lines where they abut residentially zoned land. The Board originally granted this relief in 1989 when the second building was constructed. This item last appeared before this Board in September 1999 and was granted a three (3)-year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant the request of F & R Investments, 6050-6054 Livernois, a three (3) year renewal of relief of the 6' high masonry-screen wall required along the north and east property lines where they abut residentially zoned land.

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#### ITEM #5 – con't.

- A six foot fence exists along the north property line.
- There is existing vegetation along the east property line.
- Conditions remain the same.
- There are no objections or complaints on file.

6. Arnold Becker, 2840-2880 Rochester. Petitioner is requesting renewal of relief granted by this Board of the 6' high masonry-screen wall required along their east property line where the site abuts residentially zoned land. This Board has granted this relief since 1971 primarily due to the fact that the land to the east is Master Planned for non-residential use. Conditions remain the same and there are no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Arnold Becker, 2480-2880 Rochester, a three (3)- year renewal of the 6' high masonry-screen wall required along the east property line where the site abuts residentially zoned land.

- Adjacent property is shown on the Master Plan as non-residential use.
- Conditions remain the same.
- There are no objections or complaints on file.

7. Troy Church of Christ, 800 Trombley. Petitioner is requesting renewal of relief to provide landscape screening in lieu of the 4'6" high masonry screen wall required along the east, south and west area of the parking lots where they are adjacent to residential zoning. This Board has granted this relief since 1989. This item last appeared before this Board at the meeting of September 1999 and was granted a three (3) year renewal at that time.

SUGGESTED RESOLUTION. MOVED, to grant Troy Church of Christ, 800 Trombley, a three (3)-year renewal of relief to provide landscape screening in lieu of the 4'6" high masonry screen wall required along the east, south and west area of the parking lots where they are adjacent to residential zoning.

- Conditions remain the same.
- There are no objections or complaints on file.

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**8.** St. Nicholas Greek Orthodox Church, 760 W. Wattles. Petitioner is requesting renewal of relief granted by this Board to provide a 4'-6" high landscaped berm in lieu of the 4'-6" high masonry-screen wall required along their parking areas which abut residential zoned property. This relief was originally granted in 1990 based on the fact that one side abuts a cemetery and the petitioner would install 4'-6" high landscaped berms. This item last appeared before this Board at the meeting of September 1999 and was granted a three (3)-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

**SUGGESTED RESOLUTION.** MOVED, to grant St. Nicholas Greek Orthodox Church, 760 W. Wattles, a three (3)- year renewal of relief to provide a 4'-6" high landscaped berm in lieu of the 4'-6" high masonry-screen wall required along their parking areas which abut residential zoned property.

- Conditions remain the same.
- There are no objections or complaints on file.

**9.** 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 square feet are permitted. This item first appeared before this Board at the meeting of June 2002 and was postponed to allow the petitioner to explore the possibility of attaching this proposed garage to his home. This item was then placed on the agenda for the meeting of July 16, 2002 and the Board took no final action. This item has now been placed on this agenda to allow the petitioner the opportunity to be present, and to allow the Board to take final action on this request.

**10.** 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.

This item first appeared before this Board at the meeting of May 2002 and this request was denied. In August 2002 the Board of Zoning Appeals voted to reconsider this request, based on evidence presented by Mr. Scott regarding effective communication.

**11.** Cheryl Whitton, representing St. Anastasia Church, 4571 John R. Petitioner is requesting relief of the screening requirements in relation to an addition to St. Anastasia Church. Paragraph F of Section 10.30.04 of the Troy Zoning Ordinance requires a continuous 4'-6" high obscuring wall between the parking lot and adjacent residential property. The site plan submitted does not include such a wall along the north property line where the parking lot is being expanded along the adjacent residential property.

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**12.** Manish & Sonal Mehta, 710 Sylvanwood. Petitioner is requesting relief of the side yard setback to construct a second floor addition. Section 30.10.04 requires 10' minimum side yard setbacks in R-1C Zoning Districts. The plans submitted indicate the existing house has a 6'-1" side yard setback to the west property line. Therefore, the existing home is a legal non-conforming structure. Plans submitted for the proposed second floor addition show continuing this 6'-1" side setback. Section 40.50.04 prohibits expansions to legal non-conforming structures in a way that increases its non-conformity.

**13.** Harold & Betty Malakinian, 2345 Forest Trail. Petitioner is requesting relief of the rear yard setback to construct a sunroom addition. In 1991, the Board of Zoning Appeals granted a variance for a bedroom addition on the other corner of the home with a 28' rear yard setback. The application submitted now indicates a sunroom addition with a proposed 26.05' rear yard setback. The Zoning Ordinance requires a 40' rear yard setback in a R-1C Zoning District.