

**AGENDA**

**BOARD OF ZONING APPEALS  
OCTOBER 15, 2002**

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

**CALL TO ORDER**

**ROLL CALL**

**ITEM #1 – APPROVAL OF MINUTES, MEETING OF SEPTEMBER 17, 2002**

**RENEWAL ITEMS**

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #9**

**ITEM #3 – RENEWAL REQUESTED. MR. BRUCE BUSSEY, MANAGER, FIFTH THIRD BANK, 2220 W. BIG BEAVER,** for relief of the 6' high screening wall between office and residentially zoned property.

**ITEM #4 – RENEWAL REQUESTED. MR. BRUCE BUSSEY, MANAGER, FIFTH THIRD BANK, 2282 W. BIG BEAVER,** for relief of the 6' high masonry screening wall required along the north property line.

**ITEM #5 – RENEWAL REQUESTED. TROY MASONIC TEMPLE ASSOCIATION, 1032 HARTLAND,** for relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

**ITEM #6 – RENEWAL REQUESTED. WATTLES PROPERTIES, LLC, BROOKFIELD ACADEMY, 3950 LIVERNOIS,** for relief of the 4'-6" high masonry screening wall required along the east side of off-street parking.

**ITEM #7 – RENEWAL REQUESTED. MARC DYKES, HOME PROPERTIES, CANTERBURY SQUARE APARTMENTS II, N. SIDE OF LOVINGTON, E. OF JOHN R.,** for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking.

**ITEM #8 – RENEWAL REQUESTED. TROY BAPTIST CHURCH, 3193 ROCHESTER ROAD,** for relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

**ITEM #9 – RENEWAL REQUESTED. BLUE HERON INVESTMENTS, LLC, 2032 E. SQUARE LAKE,** for relief of the 6' high screen wall along the east side of the property, where Commercially zoned property abuts Residential zoned property.

**ITEM #10 – OTHER BUSINESS. Revision to Board of Zoning Appeals By-laws**

**PUBLIC HEARINGS**

**ITEM #11 – VARIANCE REQUESTED. JOSEPH & TEODORA PAP, 273 W. SQUARE LAKE,** for relief of the Ordinance to construct a detached garage.

**ITEM #12 – VARIANCE REQUESTED. FRANK ZIMMER, 1057-1081 EAST LONG LAKE,** for relief of the Ordinance to place two temporary storage trailers outside from December 10<sup>th</sup> through December 31<sup>st</sup>.

**ITEM #13 – VARIANCE REQUESTED. FIRST UNITED METHODIST CHURCH, 6363 LIVERNOIS,** for relief of the 4'6" high screen wall required between the off-street parking area and adjacent residentially zoned land.

**ITEM #14 – VARIANCE REQUESTED. MOJMIR GOTTWALD, 4743 HYDE PARK DRIVE,** for relief of the rear yard setback to construct a sunroom addition.

**ITEM #15 – VARIANCE REQUESTED. ROBIN HARTZELL, 6474 MONTCLAIR,** for relief of the Ordinance to construct a 1200 square foot detached garage where only 907 square feet of accessory building is allowed on this site.

**ITEM #16 – VARIANCE REQUESTED. GARY KADE, CONSERVATIONS UNLIMITED, 2559 TARRAGONA WAY,** for relief of the rear yard setback to construct an enclosed sunroom.

**ITEM #17 – VARIANCE REQUESTED. BOYS AND GIRLS CLUB OF TROY, 3670 JOHN R (PROPOSED ADDRESS),** for relief to construct a new facility with a portion of the building to be constructed 30' in height.

**ITEM #18 – VARIANCE REQUESTED. TODD PERSINGER CONSTRUCTION, 3445 KILMER,** for relief of the front yard setback to construct an attached garage.

**ITEM #19 – VARIANCE REQUESTED. RONALD HAY, 2777 ORCHARD TRAIL,** for relief of the rear yard setback to construct a family and dining room addition.

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**2. RESOLVED**, that Items #3 through #9 (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.** Bruce Bussey, Manager, Fifth Third Bank, 2220 W. Big Beaver. Petitioner is requesting renewal of relief of the Ordinance requirement for a 6' high screen wall along the north property line where this site abuts residentially zoned property. The Zoning Ordinance requires a 6' high screening wall between office and residential sites. In June 2000, this Board granted renewal of this item until October 2002, in order that renewal of this request would run concurrent with the variance request at 2282 W. Big Beaver. Conditions remain the same and we have no objections or complaints on file.

**SUGGESTED RESOLUTION. MOVED**, to grant Bruce Bussey, Manager, Fifth Third Bank, 2220 W. Big Beaver, a three (3) year renewal of relief for the 6' high screening wall required between office and residential zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

**4.** Bruce Bussey, Manager, Fifth Third Bank, 2282 W. Big Beaver. Petitioner is requesting relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property. This Board originally granted the relief in 1983 and last renewed it in 1999, in part, due to the fact that the property to the north is a retention pond for the Standard Federal Bank building. Conditions at the site remain the same and we have no objections or complaints on file.

**SUGGESTED RESOLUTION. MOVED**, to grant Bruce Bussey, Manager, Fifth Third Bank, 2282 W. Big Beaver, a three (3) year renewal of relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

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5. Troy Masonic Temple Association, 1032 Hartland. Petitioner is requesting relief of the 4'-6" high masonry-screening wall adjacent to their parking lot. This Board originally granted this variance in 1970. This item last appeared before this Board in October 1999 and was granted a three (3) year renewal of this request. Conditions at the site remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant Troy Masonic Temple Association, 1032 Hartland, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

6. Wattles Properties, LLC, Brookfield Academy – 3950 Livernois. Petitioner is requesting renewal of relief granted by this Board of the 4'-6" high masonry screening wall required along the east side of off-street parking. This relief was originally granted in 1982 and expanded in 1988, in part, due to the fact that a chain link fence with redwood slats had been installed. This item last appeared before this Board at the meeting of October 1999 and was granted a three-year renewal with the stipulation that the fence would be repaired and kept in good repair. Conditions at the site remain the same and we have no objections or complaints on file.

SUGGESTED RESOLUTION. MOVED, to grant Wattles Properties, LLC, Brookfield Academy, 3950 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Fence to remain in good repair.
- Conditions remain the same.
- There are no complaints or objections on file.

7. Marc Dykes, Canterbury Square Apartments II. Petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land. This relief has been granted since 1974 primarily due to the fact that the adjacent residential land is undeveloped. The property to the north is now developed for a multi-story senior citizen housing project and the property to the east has now been acquired by the City for use as future park development. This item last appeared before this Board at the meeting of October 1999 and was granted a three-year renewal. Conditions remain the same and we have no objections or complaints on file.

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**7. SUGGESTED RESOLUTION.** MOVED, to grant Marc Dykes, Home Properties, Canterbury Square Apartments II, N. side of Lovington, E. of John R., a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land.

- Adjacent property is not developed with single-family residences.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Conditions remain the same.

**8. Troy Baptist Church, 3193 Rochester Road.** Petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking. This Board originally granted this relief in 1980. This item last appeared before this Board in October 1999 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

**SUGGESTED RESOLUTION.** MOVED, to grant Troy Baptist Church, 3193 Rochester Road, a three (3) year renewal of relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking.

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

**9. Blue Heron Investments, LLC, 2032 E. Square Lake.** Petitioner is requesting relief granted by this Board to delete the 6' high screen wall along the east side of the property, where Commercially zoned property abuts Residential zoned property. This item last appeared before this Board at the meeting of October 2001 and was granted a one-year variance. This time limit was to allow the petitioner to present a landscaping plan to the Parks and Recreation Department for approval, and to allow for any new plantings to grow in.

**SUGGESTED RESOLUTION.** MOVED, to grant Blue Heron Investments, LLC, 2032 E. Square Lake Road, a three (3) year renewal of relief of the 6' high screen wall along the east side of the property where it abuts residentially zoned land.

- Existing vegetation provides adequate screening.
- Conditions remain the same.
- There are no complaints or objections on file.

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**10.** Proposed Amendments to Board of Zoning Appeals Rules of Procedure. Staff has prepared proposed amendments to the Rules of Procedure for the Board of Zoning Appeals. These amendments establish the procedures for the consideration of items as part of a consent agenda as well as other revisions to take care of title changes and grammar corrections. Staff requests approval of these revisions.

**11.** Joe Pap, 273 W. Square Lake Road. Petitioner is requesting relief of the Ordinance to construct a 720 square foot detached garage. The site plan shows an existing 100 square foot shed that is to remain, which will bring the total area of all accessory buildings to 820 square feet. Section 40.57.04 of the Zoning Ordinance limits the total area of accessory building 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 1390 square feet. As such, accessory buildings are limited to 695 square feet at this site. Petitioner is asking for relief to be allowed to build this larger structure.

**12.** Frank Zimmer, 1057-1081 E. Long Lake Road. Petitioner is requesting relief of the Ordinance to place two temporary storage containers at the rear of their property from December 10, 2002, through December 31, 2002. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses not to exceed two years. A similar request was heard and denied by the Board of Appeals in 1999.

**13.** First United Methodist Church of Troy, 6363 Livernois. Petitioner is requesting relief to construct an addition to the parking lot at an existing religious facility at 6363 Livernois. Paragraph F of Section 10.30.04 of the Troy Zoning Ordinance requires that a 4'-6" high screen wall be provided between the off street parking area and adjacent residentially zoned land. The site plan submitted shows an expansion of the existing parking area to the north, south and west without this required wall between the expanded parking area and the adjacent residentially zoned land. The petitioners are asking for approval to expand this lot without the required screen wall.

**14.** Mojmir Gottwald, 4743 Hyde Park Drive. Petitioner is requesting relief of the rear yard setback to construct a sunroom addition. Approval was granted by the Board of Zoning Appeals in 1973 for the construction of a patio with a low brick wall at the rear of this home with a 30' rear yard setback. The site plan submitted now indicates the construction of a sunroom on the existing footing. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District. The petitioner is asking for approval for this addition with the reduced setback.

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**15.** Robin Hartzell, 6474 Montclair. Petitioner is requesting relief of the Zoning Ordinance to construct a 1200 square foot detached garage. 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 1814 square feet, as such; accessory buildings are limited to 907 square feet on this site. The petitioner is asking for approval to construct this larger building.

**16.** Gary Kade of Conservations Unlimited, 2559 Tarragona Way. Petitioner is requesting relief of the rear yard setback to construct an enclosed patio. The site plan submitted indicates removing an existing non-conforming covered patio that has a 27.5' rear yard setback and construction of a new enclosed sunroom with the same setback. A review of the Building department records could find no permit for the covered patio. Section 30.10.01 requires a 45' rear yard setback in the R-1A Zoning District. The petitioner is asking for approval to build this new sunroom with the reduced setback.

**17.** Boys and Girls Club of Troy, 3670 John R., (proposed address). Petitioner is proposing to construct a new recreational facility at 3670 John R. This property is located in the R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance limits the height of buildings in the R-1C Zoning District to not more than 25' in height. The plans submitted indicate that the gymnasium portion of this building will be 30' in height. The petitioner is asking for approval to allow this taller structure.

**18.** Todd Persinger Construction, 3445 Kilmer. Petitioner is requesting relief of the front yard setback to construct an attached garage. Although the original plans for the home's construction indicate meeting the 25' minimum front yard setback required in the R-1E Zoning District by Section 30.10.06 of the Zoning Ordinance, the more recent survey submitted indicates that the home is actually only 19' from the front property line. The site plan submitted indicates the proposed construction of an attached garage with a 20.1' front yard setback. The petitioner is asking for approval to construct the attached garage with the reduced setback.

**19.** Ronald Hay, 2777 Orchard Trail. Petitioner is requesting relief of the rear yard setback to construct a family and dining room addition. The site plan submitted indicates a rear family and dining room addition with a proposed 42' rear yard setback. Section 30.10.01 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1A Zoning District. The petitioner is asking for approval to construct this addition with the reduced rear yard setback.