

AGENDA

**BOARD OF ZONING APPEALS
OCTOBER 16, 2001**

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

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 18, 2001

POSTPONED HEARINGS

ITEM #2 – VARIANCE REQUESTED. JACQUES MILOIAN, 1739 COVENTRY, for relief of the Ordinance to construct a shed, which will exceed the maximum allowable square footage for accessory buildings.

PUBLIC HEARINGS

ITEM #3 – VARIANCE REQUESTED. JAX CAR WASH, 2823 W. MAPLE, for relief to expand a legal non-conforming use in the B-3 Zoning District.

ITEM #4 – VARIANCE REQUESTED. KIMBERLEE PORTER, 106 CHOPIN, for relief of the side yard setback to construct a detached garage.

ITEM #5 – VARIANCE REQUESTED. MR. & MRS. PETER TREBOLDI, 3097 CASWELL, for relief of the rear yard setback to construct an addition.

ITEM #6 – VARIANCE REQUESTED. THOMAS PERSHA, 2032 E. SQUARE LAKE, for relief of the Ordinance to delete the 6' high screen wall along the east side of the site of the new office building at 2032 E. Square Lake.

ITEM #7 – VARIANCE REQUESTED. AMERICAN TOWER CORPORATION AND NEXTELL COMMUNICATIONS, 991 BADDER, for relief of the front yard setback.

ITEM #8 – VARIANCE REQUESTED. ELIZABETH ABRO, 6462 JOHN R., for relief of the side yard setback to construct a deck.

AGENDA EXPLANATION

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2. Jacques Miloian, 1739 Coventry. Petitioner is requesting relief to construct a shed, which will exceed the maximum allowable square footage for accessory buildings. A permit for a 576 square foot detached garage has been issued and is currently under construction on this lot. An application has been submitted to construct a 100 square foot shed, which would result in 676 square feet of accessory buildings. Section 40.57.04 of the Zoning Ordinance limits the total square footage of all accessory buildings at this site to 600 square feet.

This item first appeared before the Board at the meeting of September 18, 2001 and was postponed to will allow the Engineering Department to examine the property, to determine if they can help to alleviate the water problem, and also so that the petitioner can present an exact plan of the proposed construction to the Board.

The Engineering department has inspected the site and recommends that a new catch basin be constructed on the existing rear yard drain located behind the petitioner's property. In addition they recommend that an under-drain be installed to pick up the surface water in front of the shed and pipe it directly to the rear yard drain. Finally, they request that the slab of the new shed be installed so that it is no higher than 4" above the existing grade at the front of the building to minimize the need for any additional fill. I have included with your agenda a copy of a sketch showing the proposed revisions.

3. Jax Car Wash, 2823 W. Maple. Petitioner is requesting relief to expand a legal non-conforming use in the B-3 Zoning District by installing new gas tanks and gas pump islands.

This property is located in the B-3 (General Business) Zoning District. The required zoning classification for a car wash (with or without gasoline sales) is H-S (Highway Service). At the time this facility was constructed, car washes with gasoline sales were a permitted use in the B-3 Zoning District. The ordinance was subsequently changed to move these uses to the H-S classification. As such, the existing use of the property as a car wash is a legal non-conforming use.

In April 2000 the gas pumps and supply tanks were removed from this facility. At that time that portion of the non-conforming use ceased to exist. Since the gasoline sales activity on this site has ceased for a period exceeding six months, that portion of the operation lost its legal non-conformance status per Paragraph E of Section 40.50.05, and the reconstruction of the gas pumps would constitute the expansion of the non-conforming use. Paragraph A of Section 40.50.05 of the Troy Zoning Ordinance prohibits the expansion of a non-conforming use.

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4. Kimberlee Porter, 106 Chopin. Petitioner is requesting relief to construct a detached garage. Section 40.57.05 of the Zoning Ordinance requires a 6' minimum setback to side and rear property lines. The site plan submitted indicates that the proposed garage would be constructed with a 3' side-yard setback from the west property line.

5. Mr. & Mrs. Peter Treboldi, 3097 Caswell. Petitioner is requesting relief to construct a rear yard addition. The site plan submitted indicates that the proposed addition would result in a rear yard setback of 42'. Section 30.10.02 requires a 45' minimum rear yard setback in the R-1B Zoning District. In 1986 a variance was granted for an addition on another portion of the house and that addition was constructed with a rear yard setback of 38.1 feet.

6. Thomas Persha, 2032 E. Square Lake. Petitioner is requesting relief of the Zoning Ordinance to delete the 6' high screen wall required along the east side of his office building currently under construction.

The site of the new office building is in the O-1 (Low Rise Office) Zoning classification. The property located adjacent to the east side of the site is zoned R-1D (Single Family Residential). Section 39.10.01 of the Troy Zoning Ordinance requires that a 6-foot high masonry screen wall be placed along the lot line when O-1 zoned sites abut residentially zoned property.

7. American Tower Corporation and Nextell Communications, 991 Badder. Petitioner is requesting relief of the Zoning Ordinance to relocate an enclosure fence at their existing communication facility. Section 30.20.09 of the Troy Zoning Ordinance requires a minimum 50 foot front setback in the M-1 (Light Industrial) Zoning District. The site plan submitted indicates that the enclosure fence will be 19.1 feet from the front property line along Badder. The Building Department had received at the same time a request from Nextell to install an equipment building in this area. In order to coordinate these issues, we included language in the public hearing notices to cover variances necessary for both the fence and the building. Subsequently, the petitioner on the building request informed us that they would be revising the location of their building to comply with the setback requirements. Therefore they have withdrawn their request and no action by the Board is necessary at this time regarding the building setback.

8. Elizabeth Abro, 6462 John R. Petitioner is requesting relief of the side yard setback to construct a deck. The site plan submitted indicates that the proposed deck would result in an 8' side yard setback to the south property line. Currently, there is an 8.22' setback from the house to the north property line. This, along with the proposed deck, would result with a 16.22' total for both side yard setbacks. Section 30.10.05 requires a 20' minimum total for both side yard setbacks in the R-1D Zoning District.