

AGENDA

**ZONING BOARD OF APPEALS
COUNCIL CHAMBERS**

**APRIL 18, 2000
7:30 P.M.**

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES, SPECIAL MEETING OF APRIL 4, 2000

RENEWALS

ITEM #2 – RENEWAL REQUESTED, MR. DENNIS BOSTICK, TROY SPORTS CENTER, 1819 E. BIG BEAVER, for relief to provide a landscaped berm in place of the 4'6" wall required along the north and a portion of the west property line.

ITEM #3 - RENEWAL REQUESTED, KMART CORPORATION, 3100 W. BIG BEAVER, for relief of the masonry screening wall on the north and east side of the parking lot.

ITEM #4 - RENEWAL REQUESTED, FATHER R. MICHAIL, ST. MARK COPTIC ORTHODOX CHURCH, 3603 LIVERNOIS & 3615 LIVERNOIS, for relief to construct a landscaped berm in lieu of the 4'6" high masonry wall required along the south property line and relief of the 4'6" high masonry wall on the north property line.

ITEM #5 - RENEWAL REQUESTED, NORTHFIELD HILLS BAPTIST CHURCH, 1800 W. LONG LAKE, for relief to maintain a 4'6" high landscaped berm in lieu of the 4'6" high masonry wall required along the east side of the property adjacent to off-street parking.

ITEM #6 - RENEWAL REQUESTED, PPG INDUSTRIES, 5875 NEW KING, for relief to maintain a berm in lieu of the 6' high masonry screening wall required along the west property line.

ITEM #7 - RENEWAL REQUESTED, TROY CATHEDRAL OF PRAISE/CHURCH OF GOD, 1285 E. WATTLES, for relief to maintain berms in lieu of 4'6" high masonry walls, along the north and east, and relief of the 4'6" high masonry wall along the west property lines of the site where parking abuts residential.

ITEM #8 - RENEWAL REQUESTED, PETRUZZELLO'S CATERING HALL, 6950 ROCHESTER ROAD, for relief of the 4'6" high masonry screening wall required along a portion of the east and south property lines where parking abuts residential.

TABLED ITEMS

ITEM #9 - VARIANCE REQUESTED, THOMAS A SARACINO, 1152 E. LONG LAKE (proposed address), for relief of the Zoning Ordinance to have 34,574 square feet of building where 30,000 square feet are permitted.

PUBLIC HEARINGS

ITEM #10 - VARIANCE REQUESTED, TOM & LYNDIA CARMICHAEL, 2560 BLACK PINE TRAIL, for relief to construct a freestanding gazebo.

ITEM #11 - VARIANCE REQUESTED, DEBRA KRUIZ, of HARLEY ELLIS ARCHITECTS, representing MICHIGAN NATIONAL BANK, 2038 W. BIG BEAVER, for relief to expand a non conforming structure and relief of the front yard setback.

ITEM #12 - VARIANCE REQUESTED, MR. MICHAEL BAILEY, 6806 DONALDSON, for relief of the Zoning Ordinance to have a total area 1450 square feet of accessory buildings where 600 square feet is permitted.

ITEM #13 - VARIANCE REQUESTED, MICHAEL D. SCHIRA, representing OMNIPOINT INVESTMENT, INC., 3001 W. BIG BEAVER, for relief of the Zoning Ordinance to have 42 antennas on a commercial building where 27 are permitted

ITEM #14 - VARIANCE REQUESTED, ROBERT PELLICIA, 5141 FOLKSTONE, to construct an addition to an attached garage with an 8.2' side yard setback where 10" is required.

ITEM #15 - VARIANCE REQUESTED, MARK BERES, 3322 MCCLURE, for relief of the Zoning Ordinance to expand a non-conforming detached garage in a side yard.

ITEM #16 - VARIANCE REQUESTED, TADIAN HOMES, 3699 EUCLID, to allow a 39.7 the rear yard setback where 40 foot is required on a new home under construction.

ITEM #17 - VARIANCE REQUESTED, BEHR AMERICA, INC., SOUTH END OF DALEY STREET, BETWEEN ROCHESTER ROAD & JOHN R. (revised plans), for relief of the Zoning Ordinance to allow a 66 foot tall wind tunnel where 40 foot maximum height is permitted.

2. Mr. Dennis Bostock, Troy Sports Center, 1819 E. Big Beaver. Petitioner is requesting relief granted by this board in 1997 to provide landscaped berms along the north and a portion of the west property lines in lieu of the 6' high masonry-screening wall. Relief was originally granted based on the fact that the petitioner had demonstrated that conformance was unnecessarily burdensome and the wall would be less attractive than the landscaped berm. The adjacent residential property to the north is vacant and the property to the west is used for the athletic fields for the San Marino Social Club. Conditions remain the same and we have no objections or complaints on file.

3. Kmart Corporation, 3100 W. Big Beaver. Petitioner is requesting renewal of a variance granted by this board in 1998 of the 4'6" high masonry wall where their parking lot abuts residentially zoned property. This relief was originally granted based on the fact the variance is not contrary to public interest. Conditions remain the same and we have no objections or complaints on file.

4. Father R. Michail, St. Mark Coptic Orthodox Church, 3603 Livernois & 3615 Livernois. Petitioner is requesting renewal of relief granted by this board in 1999 to construct a landscaped berm in lieu of the 4'6" high masonry wall on the south side of their parking lot as part of a new church construction at the rear of the existing site. Plans have not yet been received for the new church addition. Conditions remain the same and there are no objections or complaints on file.

The petitioner is also requesting renewal of relief granted by this board to maintain landscaping and natural screening elements in lieu of the 4'6" high masonry screening wall required adjacent to their existing off-street parking areas. A berm to the north and a natural vegetation barrier to the south presently screen this parking. This renewal has been granted on a yearly basis since 1978. Conditions remain the same and we have no objections or complaints on file. These two items, although expiring at different times, are being heard together to consolidate actions on the site.

5. Northfield Hills Baptist Church, 1800 W. Long Lake. Petitioner is requesting renewal of relief granted, by this Board, to maintain a 4'6" high landscaped berm at the east side of their off-street parking area where it abuts residential property in place of a masonry wall. This relief has been granted on a yearly basis since 1980. Conditions remain the same and there are no objections or complaints on file.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

APRIL 18, 2000

6. PPG Industries, 5875 New King. Petitioner is requesting renewal of a variance

granted, by this Board, for relief of the 6-foot high masonry-screening wall required along the west property line that abuts residential zoning. This relief was originally granted in 1988 based on the fact the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. Conditions remain the same and we have no objections or complaints on file.

7. Troy Cathedral of Praise/Church of God, 1285 E. Wattles. Petitioner is requesting renewal of relief granted, by this Board, to construct berms in place of masonry walls along the north and east property line of their site where their parking lot abuts residentially zoned property. Also, to omit, completely, the screening wall to the west. The site presently has berms on the east and north. There is a natural screening of trees and brush along the west side of the property. New subdivisions have now been built and occupied on both the east and west side of the church. Other than that, conditions remain the same and we have no objections or complaints on file.

8. Petruzzello's Catering Hall, 6950 Rochester Road. Petitioner is requesting renewal of a variance granted, by this Board, for relief of the 4'6" high masonry screening wall required along a portion of the east and south property lines of their site. This wall would separate the P-1 Zoning from the residentially zoned property. Relief has been granted on a yearly basis since 1977, primarily due to the fact the adjacent residential land is undeveloped. Conditions remain the same, we have no objections or complaints on file.

9. Thomas A. Saracino, 1152 E. Long Lake (proposed address). Petitioner is requesting relief of the Zoning Ordinance to construct a new two-story office building with a basement. The revised plans submitted indicates that the proposed construction would result in a total of 34,574 gross square feet of building on a two-(2) acre site, which is 17,287 gross square feet per acre. Section 24.70.01 of the Zoning Ordinance limits the amount of building in the O-1 Zoning District to 15,000 square feet of gross floor area per acre per site.

This item was originally brought to the Board at the March 2000 meeting and was tabled to allow the petitioner to come back to the Board with a more reasonable request for a variance.

10. Tom and Lynda Carmichael, 2560 Black Pine Trail. Petitioner is requesting relief of the Zoning Ordinance to construct a freestanding gazebo in the rear yard of an existing residence. Section 40.57.10 requires Board of Zoning Appeals approval for the placement of a free standing gazebo.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

APRIL 18, 2000

11. Debra Kruz, of Harley Ellis Architect, 2038 W. Big Beaver. Petitioner is requesting relief of the Zoning Ordinance to construct a 21,977 square foot addition to an existing building. The existing building is only 24' from the front property line. Section 30.20.01 of the Zoning Ordinance requires a 30' front yard setback. The building is therefore a legal non-conforming structure. Section 40.50.04 prohibits the expansion of legal non-conforming structures. In addition, the plans submitted indicate the replacement of an existing front canopy that has a 19.5' front setback and the installation of new brick on the face of the building resulting in a further reduction of the front setback of 4".

12. Mr. Michael Bailey, 6806 Donaldson. Petitioner is requesting relief of the Zoning Ordinance to construct a detached garage at an existing residence. The site plan submitted indicates that the proposed construction would result in a total area of 1,450 square feet of accessory buildings. Section 40.57.04 limits the total area of all accessory buildings on a site to one half the ground floor area of the main building, or 600 square feet, whichever is greater. With a ground floor area of the main building of only 1187 square feet, the size of accessory buildings is limited to 600 square feet.

13. Mr. Michael D. Schira, representing Omnipoint Investment, Inc., 3001 W. Big Beaver. Petitioner is requesting relief to install a total of nine (9) antennas on top of an existing building, bringing the total number of antennas on the building to forty-two (42). Section 40.57.08 limits the number of antennas on a building to two (2) antennas for the first 20,000 square feet of gross building area with one antenna permitted for each additional 20,000 square feet of gross building area. Based on the square footage of the building, a total of twenty-seven (27) antennas are permitted.

14. Mr. Robert Pelliccia, 5141 Folkstone. Petitioner is requesting relief to construct an attached garage to an existing residence. The site plan submitted indicates an 8'-2" side yard setback to the proposed attached garage. Section 30.10.02 of the Zoning Ordinance requires a 10' minimum side yard setback in the R-1B Zoning District.

15. Mr. Mark Beres, 3322 McClure. Petitioner is requesting relief to construct an addition to a detached garage at an existing residence. The site plan submitted indicates the location of the garage in the side yard. The garage was constructed at a time when the Zoning Ordinance permitted accessory buildings in non-required side yards. Section 40.57.03 now prohibits the location of an accessory building in any yard, except a rear yard.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

APRIL 18, 2000

16. Tadian Homes/Glenwood Park, 3699 Euclid. Petitioner is requesting relief of the rear yard setback. An "as built" plot plan of a home under construction was submitted to the Building Department indicating that the basement wall was placed 39.70' from the rear property line. Section 30.10.04 of the Zoning Ordinance requires a 40' minimum rear yard setback. The Building Department requires these surveys be submitted, showing compliance with setbacks, before framing begins on a house. Unfortunately, the builder began to frame the house before the survey was submitted and the deficiency was noted. A stop work order has since been placed on the house.

17. Behr America, Inc., South end of Daley Street between Rochester Road and John R. Road. Petitioners are proposing to construct a new 86,845 square foot industrial building on a parcel of land at the south end of Daley Street, south of Big Beaver Road. Part of that proposed development includes an 23,500 square foot wind tunnel testing facility. The height of the wind tunnel is proposed to be a total of 66' tall. Section 30.20.09 of the Zoning Ordinance limits the height of all buildings in the M-1 (Light Industrial) Zoning District to no more than 40'. Petitioners appeared before the Board at the February 2000 meeting and were successful in obtaining a variance. Those plans indicated that the wind tunnel structure would be located approximately at the center of the site. They have now submitted revised plans indicating that the wind tunnel would be located only 10 feet from the west property line. This revision has been determined to be significant enough to require new action by the Board. They are requesting relief to allow this taller structure at the new location.