

AGENDA

BOARD OF ZONING APPEALS CITY COUNCIL CHAMBERS

**TUESDAY, JULY 18, 2000
7:30 P.M.**

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES, JUNE 20, 2000 MEETING

RENEWALS REQUESTED

ITEM #2 - RENEWAL REQUESTED. KEVIN P. SHEA, REPRESENTING LIBERTY PROPERTY TRUST, 50-100-150-200 W. BIG BEAVER, for relief of the 6' high masonry screening wall required along the north property line.

ITEM #3 - RENEWAL REQUESTED. BETHEL BAPTIST CHURCH, 1975 E. LONG LAKE, for relief to maintain landscaping in place of the 4'6" high masonry-screening wall required adjacent to off-street parking.

ITEM #4 - RENEWAL REQUESTED. RICHARD VARKLE, 54 E. SQUARE LAKE ROAD, for relief of the requirement to provide hard surface parking and an access drive.

ITEM #5 - RENEWAL REQUESTED. KENSINGTON COMMUNITY CHURCH, 1825 E. SQUARE LAKE ROAD, for relief of the 4'6" high masonry screening wall required along the north and west sides of off-street parking.

TABLED ITEMS

ITEM #6 - VARIANCE REQUESTED. MR. AND MRS. AL KING, ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, 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.

PUBLIC HEARINGS

ITEM #7 - VARIANCE REQUESTED. MR. JAMES SCOTT, 3078 OAKHILL, for relief of the Zoning Ordinance regarding expansion of a non-conforming structure.

ITEM #8 - VARIANCE REQUESTED. MR. THOMAS RICHARDS, 2754 DOWNEY, for relief of the side yard setback for an accessory structure.

ITEM #9 - VARIANCE REQUESTED. MR. PATRICK PISCOPO, 1369 E. WATTLES, for relief of the Zoning Ordinance to split an existing parcel of land resulting in non-conforming lot width and area.

ITEM #10 - VARIANCE REQUESTED. Mr. AND MRS. ANDREW MASSON, 2856 LANERGAN, for relief of the Zoning Ordinance regarding expansion of a non-conforming structure.

ITEM #11 - VARIANCE REQUESTED. MR. GARY TADIAN, 2038 W. BIG BEAVER, for relief to expand a non-conforming structure and relief of the front yard setback.

ITEM #12 - VARIANCE REQUESTED. PASTOR LYNN SURGENER, TROY CHURCH OF GOD, 1285 E. WATTLES, for relief to maintain a 4'6" high berm in lieu of the 4'6" high masonry screening walls required along the north and east side of the parking lot and to construct a 6' high privacy fence along the west side of the parking lot in lieu of the 4'6" high masonry screening wall required where the parking lot abuts residentially zoned property.

ITEM #13 - VARIANCE REQUESTED. MR. AFRAM K. YERMIAN, 5818 WILLOW GROVE, for relief of the Zoning Ordinance to split an existing lot resulting in a non-conforming lot width.

ITEM #14 - VARIANCE REQUESTED. MR. STEVE NEEPER, REPRESENTING MJC THE BUILDERS OFFICE, SANDALWOOD SOUTH CONDOMINIUM DEVELOPMENT, SOUTHWEST OF THE INTERSECTION OF ROCHESTER AND SOUTH BOULEVARD, for relief of the Zoning Ordinance regarding usable open space required in the front yard and also for relief of the required 5' high berm for property adjacent to a major thoroughfare.

2. Mr. Kevin P. Shea, Liberty Property Trust, 50-100-150-200 W. Big Beaver. Petitioner is requesting renewal of a variance granted, by this Board, for relief of the 6' high masonry screening-wall required along the north property line of their site, which abuts residential zoned property. This relief was originally granted in July 1988, based on the fact that the existing fence provides a separation of properties and the masonry screening-wall would serve no useful purpose. Currently the property to the north is unoccupied and owned by the City of Troy. In July 1997 this Board granted a three-year renewal of this variance. Conditions remain the same, and we have no objections or complaints on file.

3. Bethel Baptist Church, 1975 E. Long Lake. Petitioner is requesting relief to maintain landscaping in lieu of the required 4'6" masonry-screening wall required along the property line adjacent to off-street parking. This Board originally granted this variance in July 1989. In July 1997 this Board granted a three-year renewal of this variance. Conditions remain the same, and we have no objections or complaints on file.

4. Richard Varkle, 54 E. Square Lake. Petitioner is requesting relief to maintain a gravel parking lot. The Zoning Ordinance requires parking lots and drives to be hard surfaced. This Board originally granted this relief in May 1979 based on the historical significance of the site. Schaefer Florist currently occupies the site. This Board granted a three-year renewal of this variance in July 1997. Conditions remain the same and we have no objections or complaints on file.

5. Kensington Community Church, 1825 E. Square Lake Road. Petitioner is requesting renewal of a variance granted, by this Board in 1996, for relief of the 4'6" high masonry screening wall required along the north and west sides of off-street parking. This relief was originally granted based on the fact that the wall adjacent to the wetlands could be a problem and that a variance renewal will determine whether natural conditions provide necessary screening. In July 1997 the church was under construction and this Board granted a renewal for two years. Other than that conditions remain the same and we have no objections or complaints on file.

6. Mr. and Mrs. Al King, 2212 Livernois. Petitioner is requesting relief of the Zoning Ordinance 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. In September and October 1999, this item appeared before the Board. This renewal was denied in October 1999, primarily due to the fact that the petitioner did not appear before the Board to represent the item. The petitioners have now filed a new application for variance.

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6.(con't) This item appeared before the Board at the June 20, 2000 meeting at which time it was tabled to allow the Board members to go out and take a much closer look at

the property to determine what course of action would be best taken and also to allow Bob Davison the opportunity to research the property regarding use of a garage for commercial use on residentially zoned property.

7. Mr. James Scott, 3078 Oakhill. Petitioner is requesting relief of the Zoning Ordinance to construct an addition to an existing residence. Section 30.10.02 of the Zoning Ordinance requires a 40' minimum front setback in the R-1B Zoning District. The site plan submitted indicates that the existing structure has only a 36.42' from setback. The proposed addition would continue this 36.42' front setback. Section 40.50.04 of the Zoning Ordinance prohibits expansion of non-conforming structures in a way that increases the non-conformity.

8. Mr. Thomas Richards, 2754 Downey. Petitioner is requesting to allow a deck built without a building permit with a 0' side yard setback at an existing residence. The existing pool, with the newly constructed deck attached to it, are accessory structures by the definitions of the Zoning Ordinance. Section 40.57.05 of the Zoning Ordinance requires a 6' minimum setback from any accessory structure to a side or rear property line. The on site inspection and permit application indicates the deck was constructed right up to the north property line.

9. Mr. Patrick Piscopo, 1369 E. Wattles. Petitioner is requesting relief of the Ordinance to split an existing parcel of land and to construct a new home on the resulting vacant land. The site plan submitted indicates that the proposed lot split would result in a 78' wide lot for the existing house. Section 30.10.04 requires an 85' minimum lot width in the R-1C Zoning District. In addition, the proposed lot area of the existing home site would be 10,140 square feet. Section 30.10.04 requires a lot area of at least 10,500 square feet.

10. Mr. and Mrs. Andrew Masson, 2856 Langergan. Petitioner is requesting relief of the Zoning Ordinance to construct an addition at an existing residence. Section 30.10.02 requires a 10' minimum sideyard setback in the R-1B Zoning District. The site plan submitted indicates an 8.1' sideyard setback from the existing house to the west property line. The proposed addition would continue this 8.1' sideyard setback. Section 40.50.04 of the Zoning Ordinance prohibits the expansion of a non-conforming structure in a way that increases the non-conformity.

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11. Mr. Gary Tadian, 2038 W. Big Beaver. Petitioner is requesting this Board to **reconsider** his request 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 a legal non-conforming structure. In addition, the plans submitted indicate the replacement of an existing front canopy with a 19.5' front setback and the installation of new brick on the face of the building result in a further reductions of the front setback of 4". This item originally appeared before the Board at the April 18, 2000 meeting and was denied. Mr. Tadian submitted a letter asking the Board to reconsider this request. At the meeting of June 20, 2000 the board voted to reconsider this request. Public hearing notices have been sent to all property owners within 300' of the Board's decision to reconsider.

12. Pastor Lynn Surgener, Troy Church of God, 1285 E. Wattles. Petitioner is requesting relief of the Zoning Ordinance to maintain a 4'6" high berm in lieu of the 4'6" high masonry screening walls required along the north and east side of the parking lot and to construct a 6' high privacy fence along the west side of the parking lot in lieu of the 4'6" high masonry screening wall required where the parking lot abuts residentially zoned property. In April 1986, this Board granted a variance to construct a 4'6" high berm along the north and east property lines and to omit the 4'6" high masonry screening wall adjacent to the west property line with the condition that the berm be landscaped.

This request appeared before the Board at the April 18, 2000 meeting at which time the petitioner was not present. Mr. Dave Kamal representing the homeowners of Worthington Manor Subdivision was present and stated that they objected to this variance. It was determined at the time that conditions have changed significantly warranting a new Public Hearing on the request. The petitioner is proposing to maintain the existing berms along the north and east sides of the parking lot and to install a new 6' high wood fence along the west side of the parking lot.

13. Mr. Afram K. Yermian, 5818 Willow Grove. Petitioner is requesting relief of the Zoning Ordinance to split an existing lot. The site plan submitted indicates that the resultant vacant parcel would have only 75' of frontage on Willow Grove. Section 30.10.04 of the Zoning Ordinance requires that lots in the R-1C Zoning District, not served by City sewer, have at least 120' of frontage.

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14. Mr. Steve Neeper, MJC The Builders Office, Sandalwood South Condominium Development, West side of Rochester Road, south of South Boulevard. Petitioner is requesting relief of the Zoning Ordinance to construct a new condominium development. Section 12.60.02 of the Zoning Ordinance requires that an area equivalent to 70% of a required yard be developed as usable open space and be kept

free of all vehicular uses. The proposed site plan indicates that only 60% of the front yard of one of the buildings, containing units 25 through 30, is in open space. In addition, Section 12.60.03 of the Zoning Ordinance requires that a five-foot berm be placed in any yard adjacent to a major thoroughfare. The petitioner's plans do not indicate that the berm will be provided on that portion of the Rochester Road frontage, south of the entrance drive.