

AGENDA

**BOARD OF ZONING APPEALS
OCTOBER 17, 2000**

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

CALL TO ORDER

ROLL CALL

ITEM #1 - APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 19, 2000

TABLED ITEMS

ITEM #2 – VARIANCE REQUEST. MR. AFRAM K. YERMIAN, 5818 WILLOW GROVE, for relief of the Zoning Ordinance to split an existing lot, which will result in a non-conforming lot width.

ITEM #3 – VARIANCE REQUEST RENEWAL. MS. SHIRLEY HANNA, 538 E. LONG LAKE, for relief to maintain and operate a private swim club.

ITEM #4 – VARIANCE REQUEST. MR. AND MRS. MICHAEL TILLARD, 5761 HOUGHTEN, for relief of the side yard setback for an attached garage addition.

PUBLIC HEARINGS

ITEM #5 – VARIANCE REQUEST. MR. MANFRED MAIER, VICE PRESIDENT HELLER MACHINE TOOLS, 1225 EQUITY DRIVE, for relief of the Zoning Ordinance to construct a tent structure to be used as a temporary storage building.

ITEM #6 – VARIANCE REQUEST. MR. MARK LIVINGSTON, 5846 JOHN R., for relief of the side yard setback to construct an attached garage.

ITEM #7 – VARIANCE REQUEST. MR. NORMAN MCCOMB, ATC CONSTRUCTION, 231 OLYMPIA (PROPOSED ADDRESS), for relief to add to an existing non-conforming single-family residence converting it to a duplex.

ITEM #8 – VARIANCE REQUEST. MR. & MRS. SAL LUMETTA, 2966 LANERGAN, for relief of the front yard setback to construct an addition.

ITEM #9 – VARIANCE REQUEST. MR. EDWARD SCHMITT & MRS. JOAN TACKABURY, 6021 NILES DRIVE, for relief of the rear yard setback to construct an addition.

ITEM #10 – VARIANCE REQUEST. MR. JAMES RYAN, 648 VANDERPOOL, for relief of the maximum square footage of accessory buildings to construct a second detached garage.

ITEM #11 – VARIANCE REQUEST. MR. & MRS. TOM BELIAN, 5270 SHREWSBURY, for relief of the rear yard setback to construct a second floor expansion.

ITEM #12 – VARIANCE REQUEST. MR. T.A. GUTH, 4150 CHERRYWOOD, for relief of the rear yard setback to construct an enclosed patio.

ITEM #13 – VARIANCE REQUEST. JOE & CHRIS MINIUK, 5660 MARTELL, for relief of the rear yard setback to construct a patio enclosure at an existing residence.

ITEM #14 – VARIANCE REQUEST. BARRY MINSTER & LINDA WINBORN MINSTER, 3365 CROOKS, for relief of the maximum size of accessory buildings and location of accessory buildings to construct an addition to an existing detached garage.

ITEM #15 – VARIANCE REQUEST. TELIGENT COMMUNICATIONS, INC., 2075 W. BIG BEAVER, for relief of the Zoning Ordinance to allow a total of 19 roof top antenna where 5 antenna are permitted on an existing building.

ITEM #16 – VARIANCE REQUEST. ORION HOMES, INC., 440 E. MAPLE, (PROPOSED ADDRESS), for relief of the Zoning Ordinance to allow parking within the required front setback along Combermere.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

OCTOBER 17, 2000

2. 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.

This item appeared before the Board at the July 18, 2000 meeting and was tabled for thirty(30) days to allow the petitioner the benefit of a full Board, and to allow the petitioner to bring back to the Board the projected use of this property. At the August 15, 2000 meeting this item was again tabled for sixty(60) days to determine what type of variance would be requested if the City purchased some of this property and what the intended use would be.

3. Troy Swim Club, 538 E. Long Lake. Petitioner is requesting relief to maintain and operate a private swim club. This relief has been granted on a yearly basis for the last 30 years, with specific stipulations attached to the approval. In September 1997, this Board granted this renewal for a period of three (3) years. Conditions remain the same and we have no objections or complaints on file.

This item first appeared before the Board at the meeting of September 19, 2000 and was tabled to allow the Legal Department to determine that since this swim club was established prior to the adoption of the Zoning Ordinance, a variance for continuing the non-conforming use would not be required.

4. Mr. and Mrs. Michael Tillard, 5761 Houghten. Petitioner is requesting relief of the Zoning Ordinance to construct an attached garage addition. The site plan submitted indicates a 5' side yard setback from the proposed garage addition to the north property line. Section 30.10.02 requires a 10' minimum side yard setback in the R-1B Zoning District.

This item first appeared before this Board at the meeting of August 15, 2000. It was tabled to allow the petitioner the opportunity to be present and explain the hardship requiring this variance and or submit revised plans.

This item again appeared before this Board at the meeting of September 19, 2000. It was again tabled for thirty (30) days to allow the petitioner the opportunity to be present, and to allow the Building Department to contact the petitioner to determine if another solution could be found.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

OCTOBER 17, 2000

5. Mr. Manfred Maier, Vice President of Heller Machine Tool, 1225 Equity. Petitioner is requesting relief to construct a tent structure at the rear of an existing industrial building to be used as a temporary storage building. Section 43.80.00 of the Troy Zoning Ordinance requires approval from the Board of Zoning Appeals for temporary buildings or structures.

6. Mr. Mark Livingston, 5846 John R. Petitioner is requesting relief of the side yard setback to construct an attached garage. Section 30.10.04 requires a 10' minimum side yard setback in the R-1C Zoning District. The site plan submitted indicates a 7'-4" side yard setback from the proposed garage to the south property line.

7. Mr. Norman McComb, ATC Construction, 231 Olympia (proposed address). Petitioner is requesting relief of the Zoning Ordinance to add to an existing single-family residence converting it to a duplex. The existing residence at 233 Olympia has an existing 7' front yard setback. Section 30.10.09 requires a 25' minimum front yard setback in the R-2 (Two Family Residential) Zoning District making the existing structure a legal non-conforming structure. The permit application indicates attaching a second dwelling unit to this structure creating a duplex. Section 40.50.04 prohibits expansion of non-conforming structures.

8. Sal & Pam Lumetta, 2966 Lanergan. Petitioner is requesting relief of the front yard setback to construct a foyer and covered front porch addition. Section 30.10.02 of the Zoning Ordinance requires a 40' minimum front yard setback. The site plan and floor plan submitted indicate a 35' front yard setback to the proposed addition.

9. Mr. Edward Schmitt & Ms. Joan Tackabury, 6021 Niles Drive. Petitioner is requesting relief of the rear yard setback to construct an addition to their residence. Section 30.10.02 requires a 45' minimum rear yard setback. The plans submitted indicate a 31.1' rear yard setback to the proposed addition.

10. Mr. James Ryan, 648 Vanderpool. Petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. Section 40.57.04 limits the size 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. The residence on this property has 1,119 square feet of ground floor area. The permit application indicates relocating an existing 403 square foot detached garage to the rear and constructing a second 624 square foot detached garage. This would result in a total of 1,027 square feet of accessory buildings where a maximum 600 square feet is permitted.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

OCTOBER 17, 2000

11. Tom & Linda Belian, 5270 Shrewsbury. Petitioner is requesting relief of the rear yard setback to construct a second floor expansion. Section 30.10.02 requires a 45' minimum rear yard setback in the R-1B Zoning District. The plot plan submitted indicates, that although there is no record of a previous variance, the existing structure has a 38.77' rear yard setback to the cantilevered second floor. The proposed second floor expansion would continue this 38.77 rear yard setback.

12. T. A. Guith, 4150 Cherrywood. Petitioner is requesting relief of the rear yard setback to construct an enclosed patio. Section 30.10.02 requires a 45' minimum rear yard setback. The plans submitted indicate a 37' rear yard setback to the proposed patio enclosure.

13. Joe & Chris Miniuk, 5660 Martell. Petitioner is requesting relief of the rear yard setback to construct a patio enclosure. Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1B Zoning District. The site plan submitted indicates a 42' rear yard setback to the proposed patio enclosure.

This item originally appeared before the Board at the September 19, 2000 meeting. At that time the Miniuks were requesting relief of the rear yard setback to construct a patio enclosure, which would have resulted in a 36.4' rear yard setback. This request was denied. They have now submitted a new request with the reduced dimension.

14. Barry Minster & Linda Winborn-Minster, 3365 Crooks. Petitioners are requesting relief to construct an addition to an existing detached garage. Section 40.57.04 limits the size 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 proposed garage addition would result in a total area of 926 square feet of accessory buildings where 771 square feet is permitted based upon the size of the existing house.

Also, Section 40.57.02 prohibits the placement of accessory buildings in any yard except a rear yard. The site plan submitted indicates the existing garage and proposed garage addition location in the required front yard along Banmoor.

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

OCTOBER 17, 2000

15. Teligent Communications, Inc. 2075 W. Big Beaver. Petitioner is requesting relief to install a roof top antenna on an existing building. Section 40.57.08 limits the number of antennas on a site/roof to 2 for the first 20,000 square feet of building area and 1 additional antenna for each additional 20,000 square feet of building area. Based on the square footage of the building (78,909 square feet), the building is permitted to have 5 antennas. The plan submitted indicates 14 existing antennas, 4 proposed antennas and 1 future antenna.

16. ORION HOMES, INC., 440 E. MAPLE (PROPOSED ADDRESS). Petitioner is requesting relief of the Zoning Ordinance to construct a 9,548 square foot multi-tenant light industrial building. The plot plan shows parking within 10' of the property line along Combermere. Section 30.20.09 (L) of the Zoning Ordinance requires a 50' front setback from Combermere and does not allow parking or structures within the required setback.

The Board of Appeals approved this item on November 17, 1998. However the petitioner did not obtain a Building Permit within the one-year time frame and the approval has since expired.