

The Chairman, Michael Huston, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday June 20, 2006 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
 Christopher Fejes
 Marcia Gies
 Michael Hutson
 Lawrence Littman
 Mark Maxwell

ABSENT: Matthew Kovacs

Motion by Fejes
Supported by Maxwell

MOVED, to excuse Mr. Kovacs from this meeting as he is out of town.

Yeas: All – 6

MOTION TO EXCUSE MR. KOVACS CARRIED

Mr. Hutson informed the audience that anyone wishing to have their request postponed, for the benefit of a full Board, should let the Board know and their request will be postponed until the meeting of July 18, 2006.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 16, 2006

Motion by Courtney
Supported by Fejes

MOVED, to approve the minutes of the meeting of May 16, 2006 as written.

Yeas: 4 – Hutson, Maxwell, Courtney, Fejes
Abstain: 2 – Gies, Littman

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 AND ITEM #4

RESOLVED, that Item #3 and Item #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Gies

File

ITEM #2 – con't.

Yeas: All – 6

MOTION TO APPROVE ITEM #3 AND ITEM #4 CARRIED

ITEM #3 – RENEWAL REQUEST. THE LUTHERAN CHURCH OF THE MASTER, 3333 COOLIDGE, for relief of the Ordinance to maintain a berm along the west side of off-street parking in lieu of the required 4'-6" high masonry screening wall.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry-screening wall required along the west property line. In 1976 permanent relief was granted to allow a landscaped berm along the northern property line for approximately 80' act as an obscuring element. In 1981 parking was increased and the Board allowed this berm to be extended. Although the berm does exist along the entire property line, an outdoor play area for the day care facility located here encroaches into a portion of the berm. This item last appeared before this Board at the meeting of June 2003 and was granted a three-year (3) renewal. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Lutheran Church of the Master, 3333 Coolidge, a three-year (3) renewal of relief to maintain a berm along the west side of off-street parking in lieu of the required 4'-6" high masonry screening wall.

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

ITEM #4 – RENEWAL REQUEST. TROY SCHOOL DISTRICT, 4777 NORTHFIELD PARKWAY, for relief of the 4'-6" high masonry-screening wall required along the west side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry screening wall required along the west property line of the site that abuts residential zoning. This relief has been granted on a yearly basis since July 1988 based on the fact that this does not cause an adverse effect on properties in the immediate vicinity. This item last appeared before this Board at the meeting of June 2003 and was granted a three-year (3) year renewal at the time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Troy School District, 4777 Northfield Parkway a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the west property line of the site that abuts residential zoning.

- Variance does not have an adverse effect to surrounding property.
- Conditions remain the same.
- We have no complaints or objections on file

Mr. Hutson explained that the Board had received requests from the respective petitioners, that the requests for a variance for Item #5, Item #6 and Item #7 be withdrawn.

ITEM #5 – VARIANCE REQUEST. ANDRAOS & NANCY KATTOUAH, 3410

ROCHESTER (proposed address), for relief of the Ordinance to construct a new gas station at the intersection of Charrington and Rochester Road that will result in a 30' setback to the abutting property. This property is in the H-S (Highway Service) Zoning District and Section 31.30.00 requires a 75' setback from any property line that abuts a residentially zoned district.

This item last appeared before this Board at the meeting of May 16, 2006 and was postponed to this meeting at the request of the petitioner. The Building Department has received a request from the petitioner that this item be withdrawn as they have submitted a different request (Item #9).

Motion by Courtney
Supported by Littman

MOVED, to accept the withdrawal request of Item #5 - Andraos & Nancy Kattouah, 3410 Rochester.

Yeas: All – 6

MOTION TO ACCEPT WITHDRAWAL CARRIED

ITEM #6 – VARIANCE REQUEST. ALLIED METALS CORPORATION, 1750

STEPHENSON, for relief of the Ordinance to construct an addition to the front parking lot that will result in a 24' front setback where Paragraph L of Section 31.30.00 of the Troy Ordinance requires that the 50' front yard remain as a landscaped open space.

This item last appeared before this Board at the meeting of April 18, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present detailed plans regarding this variance request. The Building Department has received a request from the petitioner asking that this request be withdrawn.

Motion by Courtney
Supported by Littman

MOVED, to accept the withdrawal request of Item #6 - Allied Metals Corporation 1750 Stephenson.

Yeas: All – 6

MOTION TO ACCEPT WITHDRAWAL CARRIED

ITEM #7 – INTERPRETATION REQUEST. SIDNEY FRANK, REPRESENTING GABECARE DIRECT, RX, 1179 MAPLELAWN, for an interpretation that a doctor's office is an accessory use permitted in the M-1 (Light Industrial) Zoning District per Section 28.25.01 of the Troy Zoning Ordinance until the meeting of June 20, 2006.

This item last appeared before this Board at the meeting of May 16, 2006 and was postponed at the request of the petitioner. The Building Department has received a request from the petitioner asking that this request be withdrawn.

Motion by Courtney
Supported by Littman

MOVED, to accept the withdrawal request of Item #7 - Sidney Frank, 1179 Maplelawn.

Yeas: All – 6

MOTION TO ACCEPT WITHDRAWAL CARRIED

ITEM #8 – VARIANCE REQUEST. BENNY SPIELMANN, 2963 INDUSTRIAL ROW, for relief of the Ordinance to construct a building addition and new parking lot with the parking lot right up to the front property line along Coolidge and within 5' of the front property line along Industrial Row where Paragraph L of Section 31.30.00 requires that the 50' front yard required in the M-1 (Light Industrial) Zoning District remain free of parking and maneuvering lanes. Further, relief of the 10' greenbelt required by Section 39.70.02. Finally, to have as little as 362 square feet of landscaping where Section 39.70.04 requires a minimum of 3,993 square feet of landscaping.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a building addition and new parking lot on the site of an existing industrial building. The plans show the construction of a new parking lot right up to the front property line along Coolidge and within 5' of the front property line along Industrial Row. Paragraph L of Section 31.30.00 requires that the 50' front yard required in the M-1 (Light Industrial) Zoning District remain free of parking and maneuvering lanes. Since these parking areas will be so close to the property lines, there is also no 10' greenbelt as required by Section 39.70.02 shown on the plans.

Further, Section 39.70.04 requires a minimum of 3,993 square feet of landscaping in addition to the 10' greenbelt along the road frontage for a site this size. The plans show only about 867 square feet of landscaping.

This item first appeared before this Board at the meeting of May 16, 2006 and was postponed to this meeting to allow the petitioner the opportunity to present to the Board more detailed drawings indicating the exact location of the parking lot to Coolidge as well as to show the Board a landscape plan. Since that meeting the Building Department has also received an alternate plan with a different parking/drive configuration. The variances requested remain the same except for the amount of

ITEM #8 – con't.

landscape area that would now be 362 square feet of landscaping where 3,993 square feet are required. We have sent out new public hearing notices regarding the alternative plan so that the Board can consider either plan.

Mr. Spielman was present and stated that they have addressed all of the issues that the Board asked them to at the last meeting. Mr. Spielman said that they met with Mr. Ron Hynd, Landscape Analyst for the City of Troy and he has agreed to give them approval to put landscaping in on the City's property. The electrical poles are not on their property but also on City property. Some of the Board members had concerns regarding parking on the Coolidge side, and they are now proposing to flip the parking so that the cars will face the building side and there will be landscaping along Coolidge. They have tried to address each concern and believe they are proposing a reasonable solution to justify this request. This building will look much more attractive then it does now and will be an "architectural jewel" by the time they are finished with this area. This is the first building heading northbound coming into the City of Troy and will fit in very nicely with this area.

Mr. Courtney asked what the nature of this business was. Mr. Spielman said that part of it would be a design showroom for natural stone products, and flooring services. It will not be open to the public. The other part of the building will be used as a warehouse where they will store the marble and granite slabs. The front of it will be a "finished product warehouse." The difference between this location and the Design Center will be that they will deal mainly with builders, designers and architects.

Mr. Littman asked if there was a possibility that they would not need as much parking as they are asking for. Mr. Spielman said that was correct, but he has to comply with the code regarding the amount of square footage and the requirement for the number of parking spaces. Mr. Littman said that there were possibilities for them to obtain a reduction in the number of parking spaces required. Mr. Spielman said that they would like to have parking along Coolidge and plan to put the entrance to the building on the Coolidge side of the site.

Mr. Fejes asked why they felt that this location was important to their business. Mr. Spielman said that there are a lot of fabricators in the Troy area and the exposure to their business will increase. Mr. Fejes also asked about the loading dock on the property. Mr. Spielman said that they do not have a loading dock on the property now and would like to add one as a safety issue when they are unloading these slabs of stone. Right now they load and /or unload in between the entry to the building and the parking. A customer would have to walk around the truck or forklift to get into the building and this would create a hazard.

Mr. Fejes asked why they had decreased the amount of landscaping in this request. Mr. Spielman said that they had lost some of the parking spaces because they flipped the parking away from Coolidge and toward the building. They will lose greenspace at

ITEM #8 – con't.

the rear of the property, but will gain some of this area back because they will be allowed to put landscaping on the City property. They will maintain all of the landscaping that is put in.

Mr. Littman asked what the hardship was. Mr. Spielman said that basically it is the way the product is loaded and unloaded within the building right now. They are not violating any codes by adding the addition, but will need more parking. Mr. Littman asked what kind of trees would be put in this area. Mr. Spielman said that they will put in whatever Mr. Hynd wants them to whether it be trees or deciduous evergreens.

Mr. Littman asked if there were any plans to widen Coolidge and Mr. Stimac said that he not aware of any plans to widen Coolidge.

Mr. Courtney asked about the property to the south and Mr. Spielman said that there is some wild vegetation along the cemetery and if the Board wanted he would be willing to put up a new fence or put ivy on the fence. Mr. Spielman said that right now there are grape leaves and wild vegetation, but nothing very attractive in this area.

The Chairman opened the Public Hearing.

A lady that was with the Oakland County Economic Development Group was present and stated that they have worked with Mr. Spielman and Mr. Pangborn on a number of projects and they definitely support this request.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are two (2) written objections on file.

Mr. Fejes asked if the sidewalk was going to be moved at all. Mr. Stimac said that he is not aware of any plans to move the sidewalk from its present location.

Motion by Fejes
Supported by Gies

MOVED, to grant Benny Spielmann, 2963 Industrial Row, relief of the Ordinance to construct a building addition and new parking lot with the parking lot right up to the front property line along Coolidge and within 5' of the front property line along Industrial Row where Paragraph L of Section 31.30.00 requires that the 50' front yard required in the M-1 (Light Industrial) Zoning District remain free of parking and maneuvering lanes. Further, relief of the 10' greenbelt required by Section 39.70.02. Finally, to have as little as 362 square feet of landscaping where Section 39.70.04 requires a minimum of 3,993 square feet of landscaping.

ITEM #8 – con't.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance will increase safety issue for the public allowing the loading dock to be placed at the back of the building.
- Variance applies only to the property described in this petition.

Ms. Lancaster suggested that this motion be amended to include a condition to the motion that the landscaping has to comply with whatever is required for landscaping on their property rather than City property. This would enable Mr. Hynd to be able to enforce the type of landscaping that is put on the City property, and will protect the City property. Ms. Lancaster also suggested that the motion include the condition that the landscaping would have to be maintained, not only by this owner, but also by subsequent owners of this property.

Mr. Hutson asked Mr. Fejes and Ms. Gies if they would accept these amendments to their motion. Both Mr. Fejes and Ms. Gies agreed.

Amended Motion:

MOVED, to grant Benny Spielmann, 2963 Industrial Row, relief of the Ordinance to construct a building addition and new parking lot with the parking lot right up to the front property line along Coolidge and within 5' of the front property line along Industrial Row where Paragraph L of Section 31.30.00 requires that the 50' front yard required in the M-1 (Light Industrial) Zoning District remain free of parking and maneuvering lanes. Further, relief of the 10' greenbelt required by Section 39.70.02. Finally, to have as little as 362 square feet of landscaping where Section 39.70.04 requires a minimum of 3,993 square feet of landscaping.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance will increase safety issue for the public allowing the loading dock to be placed at the back of the building.
- Variance applies only to the property described in this petition.
- Landscaping shall be installed within the public right of way that is equal to the size and amount required by the Zoning Ordinance on the site.
- This and any subsequent owners of this property must maintain landscaping in the City right of way.

Yeas: 5 – Courtney, Fejes, Gies, Hutson, Maxwell
Nays: 1 – Littman

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUEST. ANDRAOS & NANCY KATTOUAH, 3410

ROCHESTER (proposed address), for relief of the Ordinance to construct a new gas station at the intersection of Charrington and Rochester Road that will result in a 24' setback to the abutting property. This property is in the H-S (Highway Service) Zoning District and Section 31.30.00 requires a 75' setback from any property line that abuts a residentially zoned district.

Mr. Stimac explained that the Petitioner is requesting relief of the Ordinance to construct a new gas station building at the northeast corner of the intersection of Charrington and Rochester Road. Paragraph G of Section 31.30.00 requires a 75' setback from any property line that abuts a residentially zoned district. The property to the east (rear) of this site is in the R-1C (One-Family Residential) Zoning District. The site plan submitted indicates a setback of only 24' to this east property line and 56' to the north property line.

John DeBruyne, of SDA Architects was present and stated that one of the practical difficulties was that the property is land locked. They have approached the owner of the property to the North and have attempted to purchase more property but that owner did not wish to sell any property. Gas pumps occupy the allowable space that they can build on and they plan to leave those gas pumps in the same location. This convenience center would have been allowed to be constructed on this piece of the property, when it was zoned B-1 Zoning District, however now that the zoning has changed to H-S (Highway Service) a variance is required. All they are looking to do is to expand the convenience store of their business. There will not be any maintenance garages.

Mr. Courtney asked if they planned to sell the same items that they sell at this time. Mr. DeBruyne said that was correct.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Motion by Maxwell
Supported by Littman

MOVED, to grant Andraos & Nancy Kattouah, 3410 Rochester (proposed address), relief of the Ordinance to construct a new gas station at the intersection of Charrington and Rochester Road that will result in a 24' setback to the abutting property. This property is in the H-S (Highway Service) Zoning District and Section 31.30.00 requires a 75' setback from any property line that abuts a residentially zoned district.

- Variance is not contrary to public interest.
- Variance will not cause an adverse effect to surrounding property.
- Variance will enable owner to have a viable business.

ITEM #9 – con't.

- Expansion of Rochester Road has increased a hardship for this particular property.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED**ITEM #10 – VARIANCE REQUEST. MR. & MRS. DAVID MCLAUGHLIN, 1024**

MILVERTON, for relief of the Ordinance to construct a rear family room addition with a proposed 25' rear yard setback. Section 30.10.06 requires a 35' minimum rear yard setback in the R-1E Zoning District.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a family room addition on the rear of their home resulting in a 25' rear yard setback. Section 30.10.06 requires a 35' minimum rear yard setback in R-1E Zoning Districts.

Mr. Courtney asked about the floodplain indicated on this plot plan. Mr. Stimac explained that the floodplain line is to the east of the property and goes up to the corner of the existing house. Mr. Courtney asked if the addition would be in the floodplain and Mr. Stimac stated that if this variance is granted, the homeowners would need a permit from the Department of Environmental Quality (DEQ) before construction could begin.

Mr. McLaughlin stated that this is the only area on the property that they could put this addition. Because of the layout of the lot the front setback is 50' rather than the required 25'.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Motion by Maxwell
Supported by Fejes

MOVED, to grant Mr. & Mrs. David McLaughlin, 1024 Milverton, a variance for relief of the Ordinance to construct a rear family room addition with a proposed 25' rear yard setback. Section 30.10.06 requires a 35' minimum rear yard setback in the R-1E Zoning District.

- Irregular shape of lot and large front setback of the house creates a hardship with the property.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

ITEM #10 – con't.

- Property to the rear of this property is the Henry Graham Drain.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED**ITEM #11 – VARIANCE REQUEST. JERRY ELLENICH & DAWN VILK, 5110**

DANIELS, for relief of the Ordinance to construct an addition to their home, which is considered to be a legal non-conforming structure due to the fact that it has a 20.8' front yard setback where Section 30.10.02 requires a 40' minimum front yard setback. The site plan submitted indicates that the addition would have a 26' front yard setback and Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct an addition to their home. The plot plan submitted indicates the existing house has a 20.8' front yard setback where Section 30.10.02 requires a 40' minimum front yard setback. The structure therefore is a legal non-conforming structure.

The plans for the proposed addition indicate that the addition would have a 26' front yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

In June 2000 this Board granted these petitioners a variance to construct a second floor addition over the existing home with the 20.8' front yard setback, and a variance for a first floor addition with a 26' front yard setback. The proposed addition will continue this 26' front yard setback.

Ms. Dawn VilK was present and stated that they had received a variance before and they would like to take down the existing garage and would construct a larger garage and a recreation room.

The Chairman opened the Public Hearing. No one wished to be heard and the Public hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Motion by Maxwell
Supported by Gies

ITEM #11 – con't.

Moved, to grant Jerry Ellenich and Dawn Vilc, 5110 Daniels a variance for relief of the Ordinance to construct an addition to their home, which is considered to be a legal non-conforming structure due to the fact that it has a 20.8' front yard setback where Section 30.10.02 requires a 40' minimum front yard setback. The site plan submitted indicates that the addition would have a 26' front yard setback and Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

- Variance will not increase the setback and meets the requirements for a variance request.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #12 – VARIANCE REQUEST. DAVID DYER, 3783 WAYFARER, for relief of the Ordinance to construct an addition on the rear of his home that will result with a proposed 35'-10" rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition on the rear of his home. The site plan submitted indicates a family room addition with a proposed 35'-10" rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. & Mrs. David Dyer were present and stated that the main hardship with this property is the fact that they have an irregular shaped lot. Mr. Dyer stated that he had attempted to put the addition as far to the east side of the house as he could in order to get the largest rear yard setback. The opposite side of the addition would have a 36'-4" rear yard setback. To put the addition on the other side of the house, they would have to remove a couple of mature trees. Mr. Dyer said that they have lost a number of trees because they were Ash trees, and he would like to preserve the remaining mature elm trees.

Ms. Dyer said that they have received approval from the neighbors on either side of their home, as well as from the Homeowner's Association. These were attached to the original application.

There is one (1) additional approval on file. There are no written objections on file.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #11 – con't.

Motion by Courtney
Supported by Gies

MOVED, to grant David Dyer, 3783 Wayfarer, a variance for relief of the Ordinance to construct an addition on the rear of his home that will result with a proposed 35'-10" rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoning Districts.

- Irregular shape of lot creates a hardship.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Variance does not establish a prohibited use in a Zoning District.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

Motion by Courtney
Supported by Maxwell

MOVED, to take Item #15 out of order as Items #13 and #14 may take an inordinate amount of time.

Yeas: All – 6

MOTION TO TAKE ITEM #15 OUT OF ORDER CARRIED

ITEM #15 (Taken out of Order) – VARIANCE REQUEST. SUNNY KAWENSKI, REPRESENTING NYKEL MANAGEMENT, 2362 GOLFPVIEW, for relief of the Ordinance to construct a carport adjacent to the north property line with a 0' setback. Section 40.57.00 requires a 40' minimum rear yard setback for accessory structures in the RM-1 Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new carport. This carport will replace an existing carport that was damaged by a vehicle. The site plan submitted indicates replacement of carports adjacent to the north property line with a 0' setback. Section 40.57.00 requires a 40' minimum rear yard setback for accessory structures in the RM-1 Zoning Districts.

Mr. Stanley Frankel was present and thanked the Board for hearing his request. Mr. Frankel stated that a truck ran into the stanchion to the existing carport. Mr. Frankel said that this structure was put up 38 years ago and they are asking for a variance to replace it.

ITEM #15 – con't.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Maxwell
Supported by Littman

MOVED, to grant Stanley Frankel, representing Nykel Management, 2362 Golfview, a variance for relief of the Ordinance to construct a carport adjacent to the north property line with a 0' setback. Section 40.57.00 requires a 40' minimum rear yard setback for accessory structures in the RM-1 Zoning Districts.

- Variance is not contrary to public interest.
- Carport has been in the same location for 38 years.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #13 – VARIANCE REQUEST. DENVER ASSOCIATES, 1010 NAUGHTON, for relief of the Ordinance to expand an existing parking lot that will be within 14' of Acacia and within 23'-7" of Naughton where Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to expand an existing parking lot. This property is located within the M-1 (Light Industrial) Zoning District. Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking. The plans submitted indicate that the parking lot is being expanded to within 14' of Acacia and within 23'-7" of Naughton. The Board heard a similar request in June of 2005. The petitioner ultimately withdrew that request.

Mr. Hutson informed Mr. LaFave that he had the opportunity to postpone this request until the next meeting to give him the opportunity of a full Board. Mr. LaFave stated that he wanted this request heard at this meeting.

Mr. Mark LaFave of Denver Associates was present. Mr. LaFave stated that they appeared before this Board at the June 2005 meeting with basically the same request, and it was suggested that he withdraw his request until he had a tenant that would be interested in leasing this building. Mr. LaFave said that they have a perspective tenant that is interested in leasing this space.

ITEM #13 – con't.

Mr. Maxwell asked what type of company this was. Mr. LaFave said that it is a computer related service company, which is presently located in Madison Heights and wishes to relocate to Troy. This service would include software, hardware and support to a variety of automotive manufacturers.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Hutson said that he did not see a physical hardship with the lot and in his opinion the building looks like it is too large for the property. Mr. LaFave stated that the hardship is the fact that the building has 11' ceilings and this makes it very difficult to lease, as it is in a Light Industrial Zoning District. They have changed the entire look of the building but the hardship is the low ceiling. Mr. Hutson said that the Board looks for a hardship that runs with the land.

Mr. Maxwell asked why they were requesting the additional parking. Mr. LaFave stated that the prospective tenant is looking to move their business to Troy and they have asked for additional parking. Mr. Maxwell asked how many employees work for this company and Mr. LaFave said he had been told that there were 35 employees. Mr. LaFave also stated that presently there are around 45 available parking spots.

Mr. Courtney asked for a clarification on why the extra spaces were needed and asked how many customers will come to this location. Mr. LaFave said that they do not have any customers that come to their location. They go to the customers in service trucks. This is not a retail business.

Mr. Maxwell asked if they could reconfigure their parking so they would not require the twelve (12) spots they are asking for. Mr. LaFave said that he would have to talk to Mr. Stimac regarding the setback requirement.

Mr. LaFave said that they cannot park on the north side of the building, because of a drive way and a catch basin. The previous tenant was parallel parking in this area, and he has been told that parking in this area is not permissible.

Mr. Stimac said that he has not investigated the records himself on this, however, based on what the petitioner has stated regarding parallel parking on the north side of the building, the placement of new parking spaces there would require a setback variance. In Mr. Stimac's opinion, it does not appear that the existing driveway has enough width to have a row of parallel parking as well as a two-way driveway.

Mr. Courtney asked why this petitioner was before the Board asking for a variance for parking spaces. Mr. Stimac said that at this time, the Building Department has not reviewed the plans for the alteration of the interior of this building. At the industrial rate,

ITEM #13 – con't.

30 parking spaces are required for a 15,000 square foot building. Existing parking right now is right around 30. If this new tenant has a larger percentage of office use than 25% of the building, additional parking would be required. If a 15,000 square foot building was 100% office, it would require 60 parking spaces. Mr. Stimac said that they have not seen the proposed plans for this tenant, so he is unable to say whether or not extra parking will be required.

Mr. Courtney stated that the lease proposal with this perspective tenant has an expiration date on it of June 16th, which would make it void. Mr. Courtney also stated that it sounds like this building would be used for office only rather than industrial use. Mr. LaFave said that they have an industrial use also and they have requested forty-five (45) spaces. They will probably submit formal plans after they sign a lease.

Mr. Hutson said that there is nothing wrong with a lease being signed with a condition put on it. Mr. Hutson also said that he is very uncomfortable with granting a variance tonight, as he is not sure of what the use of this building would be. Mr. Hutson also suggested that he go back to the perspective tenant to find out if the proposed use would be suitable with this area.

Mr. LaFave said that he thought a variance would still be required as more parking would be required than what is presently on the site. Mr. LaFave also said that he would talk to the tenant to find out exactly what their needs will be.

Mr. LaFave asked if he could postpone this request until the meeting of July.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Denver Associates, 1010 Naughton, for relief of the Ordinance to expand an existing parking lot that will be within 14' of Acacia and within 23'-7" of Naughton where Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking, until the meeting of July 18, 2006.

- To allow the petitioner the opportunity to meet with his tenant to determine exactly how this building will be used, and how much parking will be required.

Yeas: All – 6

MOTION TO POSTPONE THIS REQUEST UNTIL JULY 18, 2006 CARRIED

Mr. Maxwell also suggested that the petitioner may be able to determine if a lesser variance would be required, or if some of the parking could be moved to the rear of the building.

ITEM #14 – VARIANCE REQUEST. SAIF JAMEEL, 3031 CROOKS ROAD, for relief of the Ordinance to construct a new commercial building with a drive up window accessory to a restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is made up of two separate parcels that total only .53 acres in size.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new commercial building. A majority of this property is located within the H-S (Highway Service) Zoning District. The plans submitted indicate that the development will include a drive up window accessory to a restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is made up of two separate parcels that total only .53 acres in size. The Board denied a similar request in April of 2006. This request is different in that the current plan eliminates the connecting drive with the property to the north.

Mr. Joe Rogowski and Mr. Jameel were present. Mr. Rogowski asked to have this request postponed until the meeting of July 18, 2006.

Mr. Hutson stated in his opinion that this is an item brought before this Board as an item for reconsideration and he did not agree that the request was different than the previous request denied by this Board. A discussion ensued regarding the fact that one of the Board's main concern was the traffic flow and Mr. Stimac felt the elimination of the cross access drive, made this request different than the last request. Mr. Hutson stated that there was not a signed agreement with the owner to the north regarding a cross access drive, therefore in his opinion this was the same request.

Ms. Lancaster said that Mr. Stimac perceived this request as different from the previous request, and this is the reason it is before the Board and it is on the agenda due to Mr. Stimac's discretion. Mr. Hutson agreed.

Motion by Gies
Supported by Maxwell

MOVED, to postpone the request of Saif Jameel, 3031 Crooks Road, until the meeting of July 18, 2006, for relief of the Ordinance to construct a new commercial building with a drive up window accessory to a restaurant use proposed in the building. Section 23.25.01 of the Troy Zoning Ordinance requires a site that is at least one acre in size in order to have a drive-up window facility in the H-S (Highway Service) Zoning District. This site is made up of two separate parcels that total only .53 acres in size.

- To allow the petitioner the opportunity of a full Board.

ITEM #14 – con't.

Yeas: 4 – Gies, Hutson, Littman, Maxwell
Nays: 2 – Gies, Fejes

MOTION TO POSTPONE REQUEST UNTIL JULY 18, 2006 CARRIED

Mr. Stimac pointed out to the Board that changes have occurred regarding Planning and Zoning. These changes do not affect the Board members as much as administrative staff.

The Board of Zoning Appeals meeting adjourned at 8:58 P.M.



Michael Hutson, Chairman



Pamela Pasternak, Recording Secretary

