

ZONING BOARD OF APPEALS

The Board of Zoning Appeals is a group of seven of your neighbors or peers appointed by City Council to pass judgment on requests for variances and other matters that are brought before them. A variance is a relaxation of the literal provisions of the Zoning Ordinance. Petitioners must indicate a hardship or practical difficulty running with the land that would warrant the granting of the variance.

PROCEDURE

The Board will hear the items in the order that they appear on the agenda. When an item is called, the Chairman will verify that the petitioner is present. Then the City Administration will summarize the facts of the case. The petitioner will then be given an opportunity to address the Board to explain the justification for the action requested.

After the petitioner makes their presentation, and answers any questions that the Board may have, the Chairman will open the Public Hearing. Any person wishing to speak on the request should raise their hand and when recognized by the Chairman, come up to the podium. The speaker should identify themselves with name and address, indicate their relationship to the property in question (i.e. next door neighbor, live behind the property, etc.), state whether they are in favor of or against the variance request and give reasons for their opinion. Comments must be directed through the Chairman. Comments should be kept as brief as possible and closely pertain to the matter under consideration. Only one person will be recognized by the Chairman to speak at one time.

At the conclusion of public comments the Chairman will close the Public Hearing. Once the Public Hearing is closed, no other public comment will be taken unless in response to a specific question by a member of the Board. The Board will then make a motion to approve, deny, or table (delay action) the request. In order for the request to pass a minimum of four votes for approval are needed. If the request is not granted, the applicant has the right to appeal the Board's decision to Oakland County Circuit Court.

VARIANCE REVIEW STANDARDS ZONING ORDINANCE SECTION 15.04 (E) (2)

Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:

- a) Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.
- b) The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.
- c) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
- d) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
- e) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.



ZONING BOARD OF APPEALS MEETING AGENDA

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

Allen Kneale, Chair, and Glenn Clark, Vice Chair
Bruce Bloomingdale, Kenneth Courtney
David Eisenbacher, Tom Krent, David Lambert
Orestis Kaltsounis (Alternate), Paul McCown (Alternate)

November 19, 2013

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – October 15, 2013
3. APPROVAL OF AGENDA
4. HEARING OF CASES
 - A. VARIANCE REQUEST, ROBERT A. CHAPMAN, 482 STARR – In order to split a parcel into two parcels, a variance from the requirement that new parcels have a 60 foot width and frontage. One of the proposed lots will have a 50 foot width and frontage.

ZONING ORDINANCE SECTION: 4.06 (C) R-1E Zoning
5. COMMUNICATIONS - 2014 Zoning Board of Appeals meeting schedule – no action required
6. MISCELLANEOUS BUSINESS
7. PUBLIC COMMENT
8. ADJOURNMENT

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

On October 15, 2013, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Kneale called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

- Allen Kneale
- Bruce Bloomingdale
- Glenn Clark
- Kenneth Courtney
- David Eisenbacher
- Thomas Krent
- David Lambert

Also Present:

- Paul Evans, Zoning and Compliance Specialist
- Julie Quinlan Dufrane, Assistant City Attorney
- Paul McCown, ZBA alternate (in audience)

2. APPROVAL OF MINUTES – September 17, 2013

Moved by Courtney
Seconded by Lambert

RESOLVED, to approve the September 17, 2013 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – Mr. Evans advised the applicant for item 4 (C), for property at 482 Starr, has postponed their matter to November 19, 2013.

4. HEARING OF CASES

A. Variance request, Nicolaie Santa, 2245 Alexander – In order to build a shed in the front yard adjacent to Paris, a variance from the requirement that sheds can be located only in rear yards. Zoning Ordinance Section 7.03 (B) (2) (a).

Moved by Krent
Seconded by Eisenbacher

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- B. Variance request, Arben and Emira Meka, 2529 Binbrooke – In order to construct a covered porch at the front of the house, an 8 foot variance to the required 40 foot front yard setback. Zoning Ordinance Section 4.06 (C) R-1B Zoning.

Moved by Kneale
Seconded by Lambert

RESOLVED, to deny the request.

Yes: Kneale, Krent, Lambert, Bloomingdale, Clark, Courtney
No: Eisenbacher

MOTION PASSED

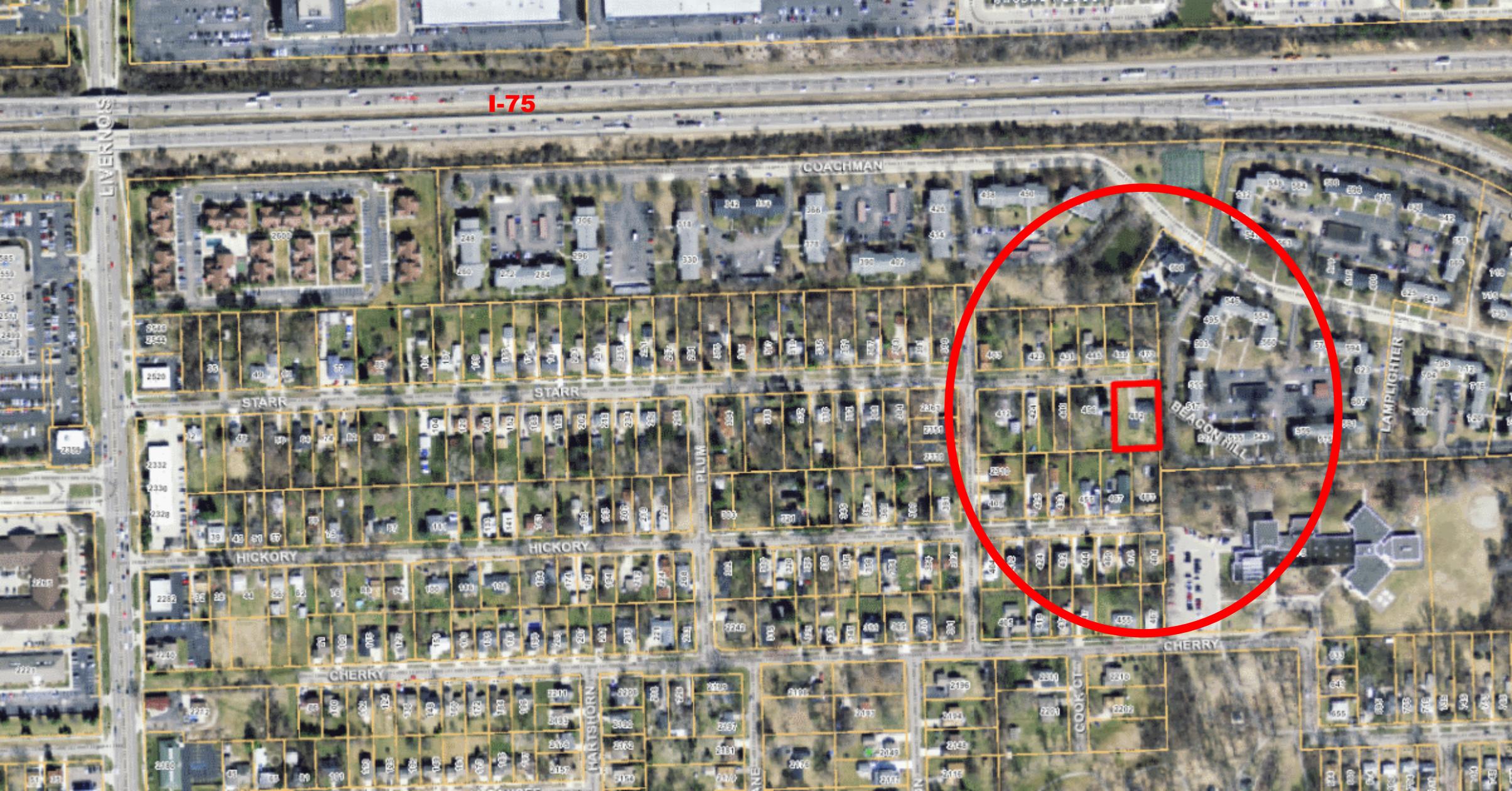
- 5. COMMUNICATIONS – None
- 6. MISCELLANEOUS BUSINESS – None
- 7. PUBLIC COMMENT – None
- 8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:43 p.m.

Respectfully submitted,

Allen Kneale, Chair

Paul Evans, Zoning and Compliance Specialist

- A. VARIANCE REQUEST, ROBERT A. CHAPMAN, 482 STARR – In order to split a parcel into two parcels, a variance from the requirement that new parcels have a 60 foot width and frontage. One of the proposed lots will have a 50 foot width and frontage.



I-75

LIVERNOIS

COACHMAN

STARR

STARR

PLUM

HICKORY

HICKORY

CHERRY

HARTSHORN

CHERRY

BEACON HILL

LAMPLIGHTER

COOK CT



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STARR

BEACON HILL



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STARR

BEACON HILL

(MF)

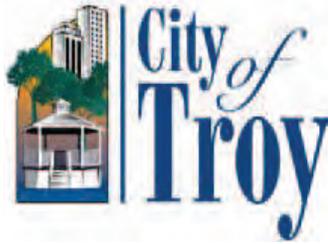
(R-1E)

(R-1E)

(R-1E)

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
E-MAIL: evanspm@troymi.gov



FEE \$150.00
<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 482 STARR, TROY, MI 48084
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-27-180-020
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: Section 4.06 (lot width)
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO
5. APPLICANT:
NAME Robert A. Chapman
COMPANY _____
ADDRESS 1206 Hickory
CITY Royal Oak STATE MI ZIP 48073
PHONE 586-899-3970
E-MAIL rac@wowway.com
AFFILIATION TO THE PROPERTY OWNER: Applicant is property owner.

6. PROPERTY OWNER:

NAME Robert A. Chapman
COMPANY _____
ADDRESS 1206 Hickory
CITY Royal Oak STATE MI ZIP 48073
TELEPHONE 586-899-3970
E-MAIL rac@wowway.com

The undersigned hereby declares under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, Robert A. Chapman (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE _____ DATE 9/18/2013

PRINT NAME: Robert A. Chapman

PROPERTY OWNER SIGNATURE _____ DATE 9/18/2013

PRINT NAME: Robert A. Chapman

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

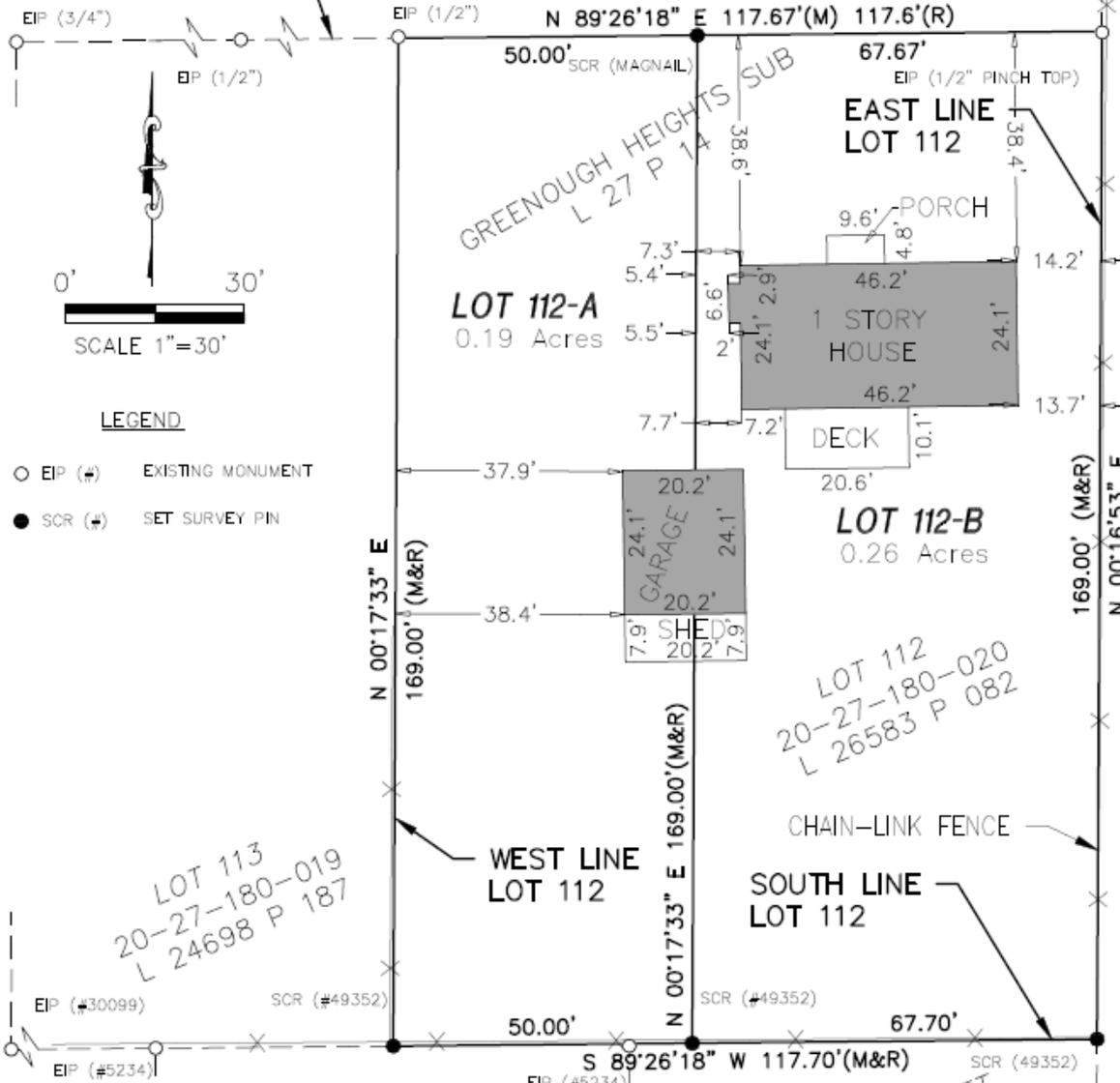
The applicant will be notified of the time and date of the hearing by first class mail.

CERTIFIED SURVEY

SOUTH R/W
STARR DRIVE
50ft. WD.

STARR DRIVE (50ft. WD. R/W)

EIP (#30080)



STEVEN D. ADAMS, P.C.
ATTORNEY AT LAW
24410 John R
Hazel Park, Michigan 48030
(248) 543-6100
FAX # (248) 545-2755

September 18, 2013

STATEMENT OF PRACTICAL DIFFICULTY

Introduction

The subject property is a single family home zoned as R-1E. The following are the critical dimensions of the subject parcel and the minimum dimensions required by the zoning ordinance.

	<u>Required</u>	<u>Existing</u>
Area	7,500 sq. ft.	19,886 sq. ft.
Width	60 feet	117.7 feet
Sides Setbacks	5/15 ft.	14.2/55.5 ft.

Petitioner is proposing a lot split which would leave two parcels with the following dimensions.

	<u>Minimum</u>	<u>Lot A</u>	<u>Lot B</u>
Area	7,500 sq. ft.	11,436 sq. ft.	8,450 sq. ft.
Width	60 ft.	67.67 ft.	50 ft.
Side Setbacks	5/15 ft.	5.4/13.7 ft.	5/15 ft.

Petitioners intention is to remodel and expand the existing 1 story home, demolish the existing detached garage, and to build a new home on the split lot similar to the new homes built on the recently split lots at 2339, 2351, and 2363 Kirkton, in the subject neighborhood.

Practical Difficulty

The "Parcel Variance Report" prepared by the City of Troy includes 81 parcels which have an average width of 70 feet, and a standard deviation of 20 feet (means that 65% of the lot widths fall between 50 feet and 90 feet. Of the 81 parcels in the

subject neighborhood, 24 are less the 60 feet minimum lot size. The subject parcel is at the eastern end of Starr Road, which dead ends in front of the property.

Subject properties eastern neighbor is a multi family development, which is separated by a 6' chain link fence. This chain link fence would be adjacent to the side setback of 13.7 ft. of Lot A.

The character of the neighborhood has been changing to a greater density over the years, in part driven by higher land costs on a square foot basis. Allowance of the requested split would not alter the essential character of the neighborhood; it would directly impact few, if any, neighboring parcels.

Allowing the split would give rise to parcels within 1 standard deviation of the neighborhood average and significant new investment, which would upgrade the existing neighborhood, which was built in the 60's.

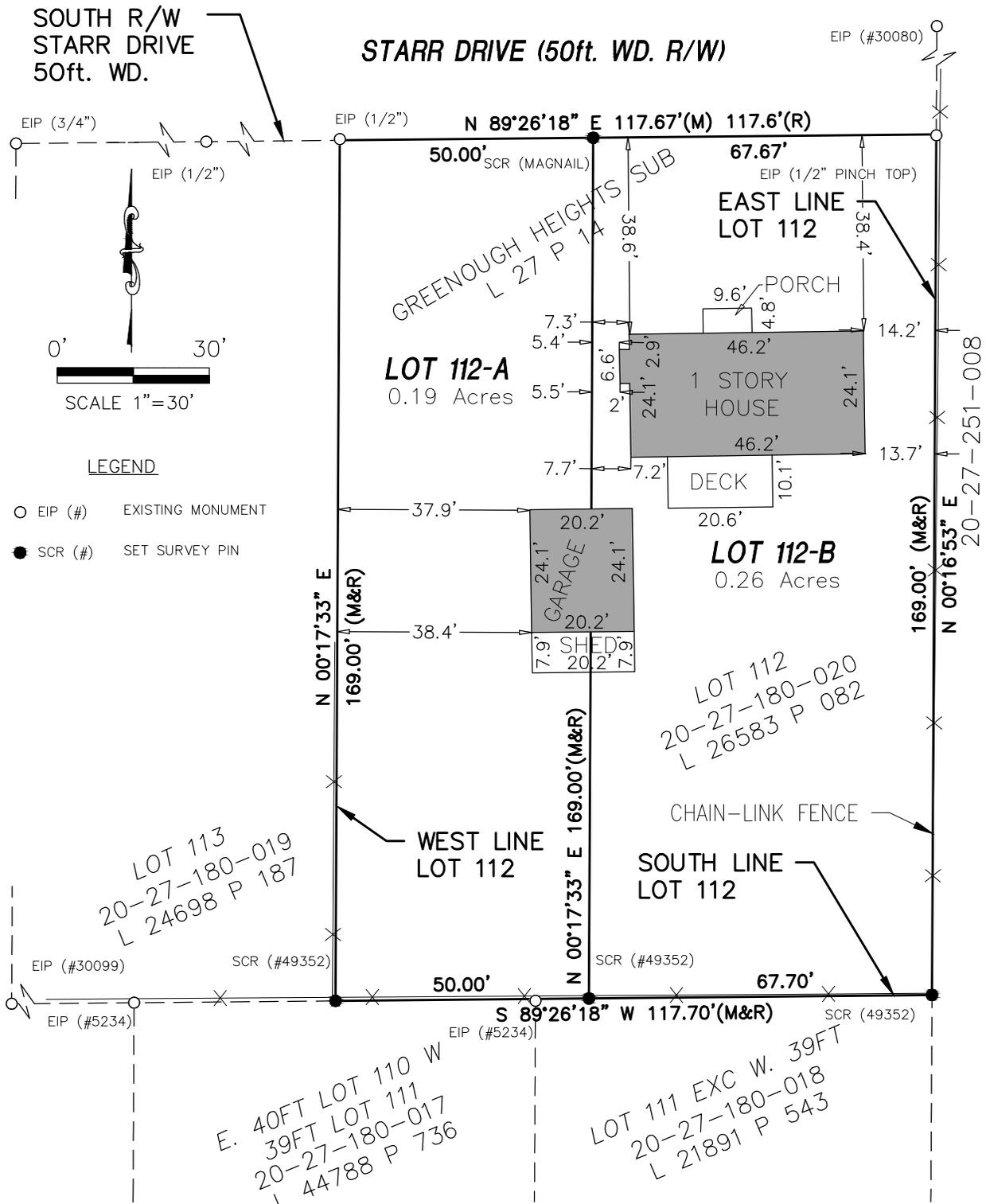
An additional home on the dead end portion of Starr Road should not impair the adequate supply of air or light to surrounding parcels, nor increase congestion or fire hazard. The additional investment in the neighborhood should enhance the value of surround parcels.

Respectfully Submitted,
STEVEN D. ADAMS, P.C.

By: /s/ Steven D. Adams
Steven D. Adams, Attorney for Petitioner

SDA/Imp

CERTIFIED SURVEY



PROPOSED SPLIT FROM LOT 112 (LOT 112-A)

THE WEST 50 FEET OF LOT 112, OF GREENOUGH HEIGHTS SUBDIVISION RECORDED IN LIBER 27 PAGE 14 OF OAKLAND COUNTY RECORDS AND SITUATED IN SECTION 27, T2N, R11E, OAKLAND COUNTY, MICHIGAN.

PROPOSED REMAINDER OF LOT 112 (LOT 112-B)

EXCEPTING THE WEST 50 FEET OF LOT 112, OF GREENOUGH HEIGHTS SUBDIVISION RECORDED IN LIBER 27 PAGE 14 OF OAKLAND COUNTY RECORDS AND SITUATED IN SECTION 27, T2N, R11E, OAKLAND COUNTY, MICHIGAN.

I HEREBY STATE THAT I HAVE SURVEYED AND MAPPED THE LAND PLATTED AND/OR DESCRIBED JUNE 2013, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SAID SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS OF 1:5000, AND THAT THE REQUIREMENTS OF PA 132, OF 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

CLIENT: ENLOW ENGINEERING, LLC	JAX LAND SURVEYING, LLC PO BOX 392 CHELSEA, MI 48118 PH: 734.780.6437	DATE: 08/09/13 DRAWN BY: FZ SCALE: 1" = 30' PAGE: 1 OF 1
LOT SPLIT SECTION 27, T2N, R11E, CITY OF TROY, OAKLAND CO., MI		

CITY PROVIDED EXHIBIT FOLLOWS THIS PAGE

Keep in mind:

The information is for *lot frontage*, which is different than *lot width*.

Lot frontage is the width of the front lot line.

Lot width is measured at the front setback line. In this district that is 25 feet back from the front lot line.

By using the map, you can estimate which lots might have a wider or narrower lot width than the frontage.

By calculating one standard deviation, you can further examine statistically whether the average frontage is skewed by a small number of lots that are either very wide or narrow.

Applying one standard deviation to either side of the average frontage tells us where about 68% of the lots within the sample fall.

From Wikipedia:

“**The Standard deviation** is a widely used measurement of variability or diversity used in [statistics](#) and [probability theory](#). It shows how much variation or "[dispersion](#)" there is from the "average" ([mean](#), or expected/budgeted value). A low standard deviation indicates that the data points tend to be very close to the [mean](#), whereas high standard deviation indicates that the data are spread out over a large range of values.”

For further explanation here is another good source
<http://www.robertniles.com/stats/stdev.shtml>



Parcel Variance Report



Address: 365 CHERRY	Parcel Frontage: 68	Area: 396
Address: 364 HICKORY	Parcel Frontage: 100	Area: 461
Address: 355 CHERRY	Parcel Frontage: 68	Area: 396
Address: 304 STARR	Parcel Frontage: 95	Area: 591
Address: 303 HICKORY	Parcel Frontage: 60	Area: 415
Address: 300 HICKORY	Parcel Frontage: 99	Area: 493
Address: 336 STARR	Parcel Frontage: 60	Area: 520
Address: 368 STARR	Parcel Frontage: 65	Area: 530
Address: 412 STARR	Parcel Frontage: 118	Area: 572
Address: 352 STARR	Parcel Frontage: 65	Area: 530
Address: 403 STARR	Parcel Frontage: 118	Area: 550
Address: 365 CHERRY	Parcel Frontage: 68	Area: 396

391 STARR	65	529
Address:	Parcel Frontage:	Area:
412 HICKORY	59	380
Address:	Parcel Frontage:	Area:
302 HICKORY	106	472
Address:	Parcel Frontage:	Area:
377 CHERRY	60	380
Address:	Parcel Frontage:	Area:
482 STARR	118	567
Address:	Parcel Frontage:	Area:
424 STARR	40	418
Address:	Parcel Frontage:	Area:
318 STARR	100	600
Address:	Parcel Frontage:	Area:
440 STARR	40	418
Address:	Parcel Frontage:	Area:
	39	416
Address:	Parcel Frontage:	Area:
332 STARR	70	540
Address:	Parcel Frontage:	Area:
399 STARR	64	529
Address:	Parcel Frontage:	Area:
335 STARR	65	529
Address:	Parcel Frontage:	Area:
459 STARR	69	452
Address:	Parcel Frontage:	Area:
383 STARR	65	529
Address:	Parcel Frontage:	Area:
445 STARR	69	452
Address:	Parcel Frontage:	Area:
433 HICKORY	60	458
Address:	Parcel Frontage:	Area:
425 HICKORY	58	454
Address:	Parcel Frontage:	Area:
315 STARR	65	529
Address:	Parcel Frontage:	Area:
423 STARR	78	470
Address:	Parcel Frontage:	Area:
351 STARR	65	529
Address:	Parcel Frontage:	Area:
317 STARR	65	529
Address:	Parcel Frontage:	Area:
473 STARR	69	452
Address:	Parcel Frontage:	Area:



**These two parcels
are considered one
79 foot wide parcel.**

431 STARR	69	452
Address:	Parcel Frontage:	Area:
483 HICKORY	79	491
Address:	Parcel Frontage:	Area:
369 HICKORY	53	401
Address:	Parcel Frontage:	Area:
	60	415
Address:	Parcel Frontage:	Area:
405 HICKORY	94	424
Address:	Parcel Frontage:	Area:
392 HICKORY	57	371
Address:	Parcel Frontage:	Area:
367 STARR	65	529
Address:	Parcel Frontage:	Area:
305 STARR	75	549
Address:	Parcel Frontage:	Area:
467 HICKORY	79	496
Address:	Parcel Frontage:	Area:
484 HICKORY	64	387
Address:	Parcel Frontage:	Area:
476 HICKORY	59	380
Address:	Parcel Frontage:	Area:
404 HICKORY	59	379
Address:	Parcel Frontage:	Area:
326 HICKORY	53	366
Address:	Parcel Frontage:	Area:
320 HICKORY	53	366
Address:	Parcel Frontage:	Area:
424 HICKORY	61	385
Address:	Parcel Frontage:	Area:
467 CHERRY	60	375
Address:	Parcel Frontage:	Area:
345 CHERRY	53	366
Address:	Parcel Frontage:	Area:
353 HICKORY	53	401
Address:	Parcel Frontage:	Area:
345 HICKORY	60	415
Address:	Parcel Frontage:	Area:
460 HICKORY	59	380
Address:	Parcel Frontage:	Area:
310 HICKORY	53	366
Address:	Parcel Frontage:	Area:
391 CHERRY	70	404
Address:	Parcel Frontage:	Area:

315 CHERRY	106	472
Address:	Parcel Frontage:	Area:
2242 PLUM	91	463
Address:	Parcel Frontage:	Area:
2310 KIRKTON	75	386
Address:	Parcel Frontage:	Area:
391 HICKORY	74	447
Address:	Parcel Frontage:	Area:
432 HICKORY	57	375
Address:	Parcel Frontage:	Area:
356 HICKORY	59	380
Address:	Parcel Frontage:	Area:
346 HICKORY	53	366
Address:	Parcel Frontage:	Area:
455 CHERRY	117	492
Address:	Parcel Frontage:	Area:
335 CHERRY	53	366
Address:	Parcel Frontage:	Area:
325 CHERRY	53	366
Address:	Parcel Frontage:	Area:
321 HICKORY	92	479
Address:	Parcel Frontage:	Area:
338 HICKORY	53	366
Address:	Parcel Frontage:	Area:
447 CHERRY	60	378
Address:	Parcel Frontage:	Area:
419 CHERRY	59	381
Address:	Parcel Frontage:	Area:
405 CHERRY	118	495
Address:	Parcel Frontage:	Area:
456 STARR	118	574
Address:	Parcel Frontage:	Area:
319 STARR	65	529
Address:	Parcel Frontage:	Area:
455 HICKORY	78	494
Address:	Parcel Frontage:	Area:
383 HICKORY	93	481
Address:	Parcel Frontage:	Area:
444 HICKORY	59	380
Address:	Parcel Frontage:	Area:
384 HICKORY	57	373
Address:	Parcel Frontage:	Area:
433 CHERRY	59	372
Address:	Parcel Frontage:	Area:

384 STARR	65	530
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Address:	Parcel Frontage:	Area:
2363 KIRKTON	78	413

Address:	Parcel Frontage:	Area:
2351 KIRKTON	61	377

Address:	Parcel Frontage:	Area:
2339 KIRKTON	61	376

Summary Parcel Frontage

Number of Parcels Selected	81
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Avg (Mean)	70
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Standard Deviation (STDEV)	20
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CITY OF TROY
MICHIGAN
PUBLIC NOTICE
ZONING BOARD OF APPEALS

Notice is hereby given that the City of Troy Zoning Board of Appeals will hold meetings on the third Tuesday of each month at 7:30 p.m. in the Council Chamber at Troy City Hall, 500 W. Big Beaver Road, Troy, Michigan, 48084, (248) 524-3364, on the following dates:

2014 ZONING BOARD OF APPEALS MEETING DATES

January 21	July 15
February 18	August 19
March 18	September 16
April 15	October 21
May 20	November 18
June 17	December 16

All meetings are generally held at 7:30 p.m. in the City Council Chamber of the City Hall Building and are open to the public.

This notice is hereby posted as required by Section 4 of the Open Meetings Act, (MCLA 15.261 et seq.).

Paul Evans, Zoning and Compliance Specialist

Posted: November 8, 2013

NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the Planning Department at 248-524-3364 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.