

4. HEARING OF CASES

- B. VARIANCE REQUEST, EDWIN WUDYKA, 1927 SPARROW COURT – A variance to allow a 19 foot tall accessory supplemental building (play house) to remain in the front yard. Accessory supplemental buildings are permitted only in the rear yard and shall be no taller than 14 feet in height.

**SECTION: 7.03 (B) (3) (b) and (d)**





1978

1962

1946

1930

3600

30

SPARROW CT

3584

1979

1963

1947

1927

3568

3552

EDGEMONT

1980

1964

1948

1928

3536

KRISTIN

1978

1962

1946

1930

3600

30

1979

1963

1947

1927

3584

3568

3552

1980

1964

1948

1928

3536

SPARROW CT

(R-1B)

EDGE MONT

KRISTIN



# 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](mailto:evanspm@troymi.gov)  
<http://www.troymi.gov/CodeEnforcement/#>



REGULAR MEETING FEE \$150.00  
SPECIAL MEETING FEE \$650.00

REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 1927 SPARROW CT. TROY

2. PROPERTY TAX IDENTIFICATION NUMBER(S): \_\_\_\_\_

3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: R1-B

4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*

5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO

6. APPLICANT INFORMATION:

NAME EDWIN WUDYKA

COMPANY \_\_\_\_\_

ADDRESS 1927 SPARROW CT

CITY TROY STATE MI ZIP 48084

TELEPHONE 248-763-9188

E-MAIL EWUDYKA@HUNTINGTONCLEANERS.COM

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: I Am the owner

8. OWNER OF SUBJECT PROPERTY:

NAME EDWIN WUDYKA

COMPANY \_\_\_\_\_

ADDRESS 1927 SPARROW CT

CITY TROY STATE MI ZIP 48084

TELEPHONE 248-763-9188

E-MAIL EWUDYKA@huntingtoncleaners.com

The undersigned hereby declare(s) 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, Edwin Wudyka (PROPERTY OWNER) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT [Signature] DATE 8-22-11

PRINT NAME: EDWIN WUDYKA

SIGNATURE OF PROPERTY OWNER [Signature] DATE 8-22-11

PRINT NAME: EDWIN WUDYKA

1927 Sparrow Ct. Troy Mi 48084

To : The Board of Zoning Appeals of Troy  
From: Edwin Wudyka (1927 Sparrow Ct.)  
Re: Variance of section 15.04 of the zoning ordinance

I would like to receive a variance from this ordinance to finish a pre-existing play structure. This play structure has sat in its current location since this home was purchased from us in 1994, with no issues from the city, neighbors, or any person from the building department or subsidiaries. The only changes I have made to the existing play structure is to remove the old roof and to place a "tree house" structure atop of the current play structure which is approximately 3 feet higher than the old play structure. I did not ever imagine a permit was required to build a "tree house" structure. I am positive that upon completion of the new structure, it will be prove to be stronger than the old one and meet any play structure guidelines there may be. I have also included a letter signed by all the adjoining neighbors that states they have no issues with this play structure and its location and would like me to receive the variance. This is not a permanent structure and will be removed once my children become an age that they no longer use the play structure.

If I am to understand the "Variance Review Standards Zoning Ordinance Section 15.04 (E)(2)" correctly the following proper responses should apply to the following three sections:

Section A) The exceptional characteristics of our property being on a corner lot, allow for us to place a play structure along the side of the house and also allows it to be hidden from traffic, and views from 3/4 of viewable areas. The set back from the side walk is 40 feet and the current play structure is 26 feet from the side walk. It is however 41 feet from the street.

Section D) This play structure was on this location since 1994 and the characteristics which make compliance with dimensional requirements difficult have been established. The structure which has existed here for over seven years has never been cited for a violation and only slight modifications have been made, the structure still resides in its previous location.

Section E) If this structure was to be placed 40 feet from the side walk it would be harmful and alter the essential character of the area. It would have to be placed in the center of the back yard rendering the back an eye sore to the rest of the neighbors who have created a open atmosphere. I also believe by placing it in the center of the back yard it would decrease property value. As it sits right now it does not place any harm on the essential character of the area. It is surrounded by evergreens which block all the views of this structure year round. There is only one unobstructed view and that is from my side window which allows us to watch the children playing.

I am only 8 hours away from finishing this play structure. At time of completion it will be stained a dark wood color and will blend in with its natural surroundings. I have spent allot of money on my home and yard to make it beautiful and would never do anything to disrespect the integrity of the neighborhood. I have served as the president of our neighborhood association for two terms and have worked on making sure our neighborhood looks beautiful. As neighbors we have helped numerous neighbors to make sure their property look nice and have created a structure to make sure the lawn is cut surrounding our neighborhood. This structure will not be an eye sore, but a place for the neighborhood kids to play and enjoy themselves. I hope I have stated the reasons for the need of this variance. Thank you in advance.

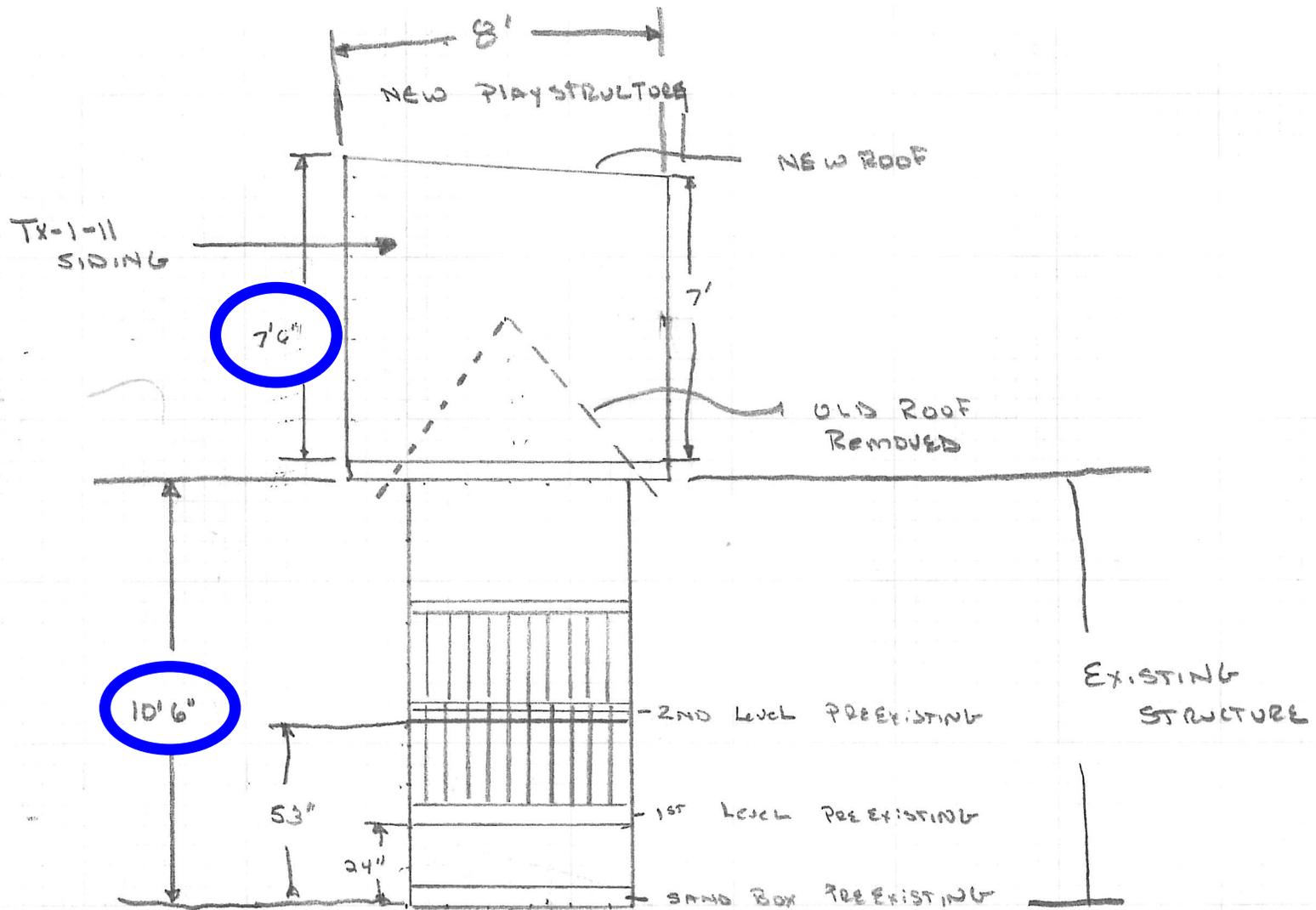
Edwin Wudyka

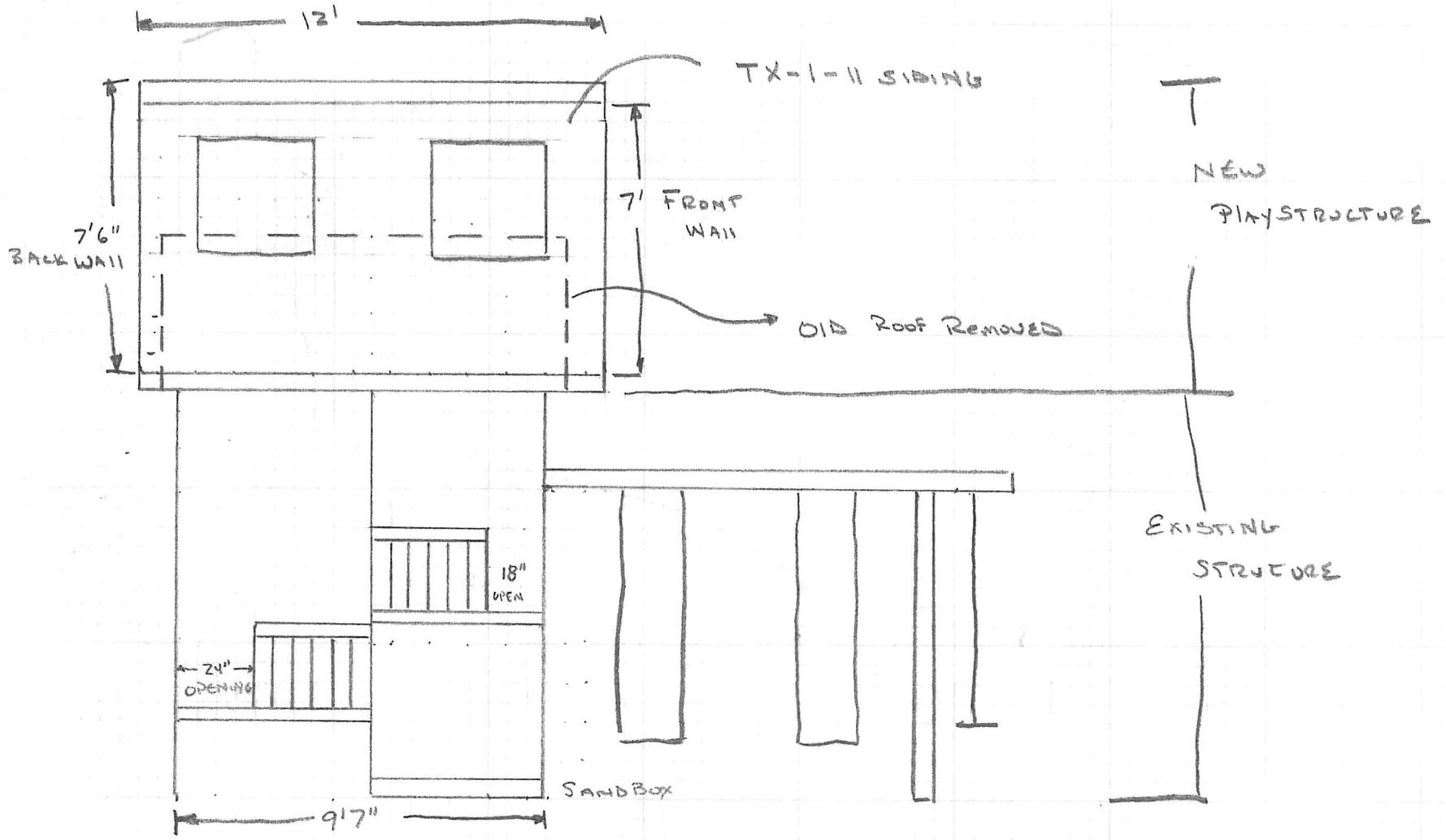
1927 Sparrow Ct.

Troy, MI 48084

1927 SPARROW CT

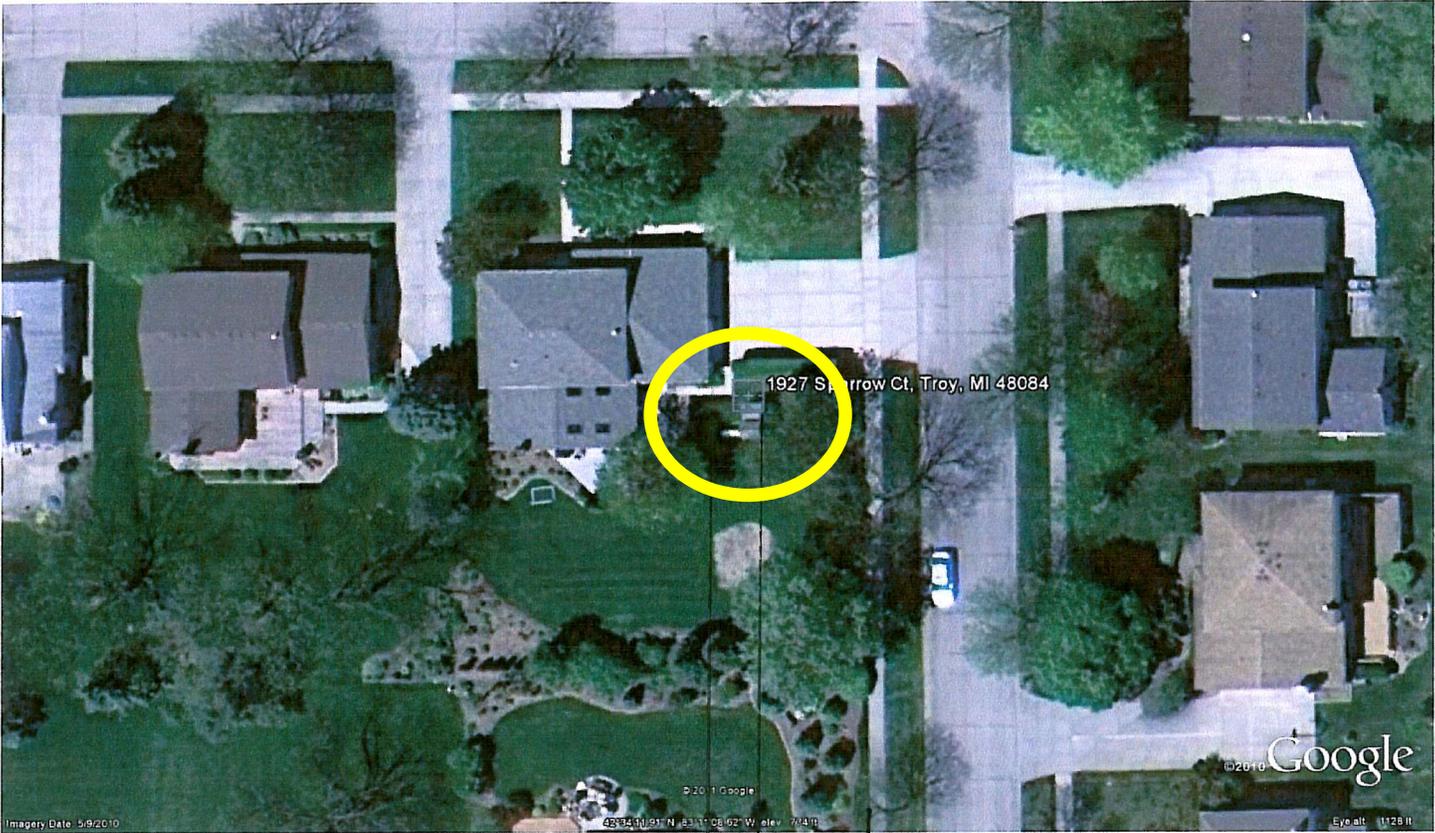
TROY MI 48064



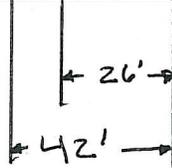


1" = 1'

21



42' SET BACK  
FRONT OF GARAGE.



26' FROM SIDEWALK  
AS SET BACK.



View showing Existing Structure.















It has been brought to my attention that Edwin Wudyka who lives at 1927 Sparrow Court, Troy, MI. is applying for a variance for a play structure. We are aware that it does not meet the 40 Feet set back as required by Troy Ordinance, but we do not have an issue with this structure or its location.

Name Address

- KATHLEEN E. MATOUSEK, Kathleen E Matousek  
1947 Sparrow Ct Troy MI 48084 649-2903
- Charlie Steiner  
1978 Sparrow Ct Troy MI 48084
- Roger W. Helba 452 W 9th  
1962 Sparrow Ct. MI. 48084
- Thomas Hatsios 1946 Sparrow Ct. 48084  
Thomas Hatsios
- Kathy Welch 1930 Sparrow Ct. 48084
- Howard Ho 3552 Edgemont, MI 48084
- Mike Withup 1928 Kristin Dr, MI 48084
- Gene BERGMANN 1964 KRISTIN DR, MI 48084
- KENNETH J. COOK, 3568 EDGEMONT, TROY MI 48084

**From:** [Larry Cappetto](#)  
**To:** [Planning](#)  
**Subject:** 1927 Sparrow Ct  
**Date:** Wednesday, September 14, 2011 7:16:45 PM

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Zoning Board of Appeals of the City of Troy

Dear Persons,

Thank you for notification of the hearing on 9/20/2011 in regards to a 19 foot tall play house built at 1927 Sparrow Court.

I am a homeowner in Troy Estates and i am absolutely opposed to the 19 foot play house being able to remain on the above mentioned property for the following reasons:

1. It is visible from the adjacent road and is too high.
2. The structure is an overhead addition to an already existing play structure and it appears very "home made" and unsafe.
3. I feel that it is an eye soar to the neighborhood as well as a safety issue.
4. In addition the height of the structure also creates a potential privacy issue for neighboring homes seeking privacy in their yards and homes.

Thank you for your time and consideration.

Respectfully,  
Patricia Cappetto