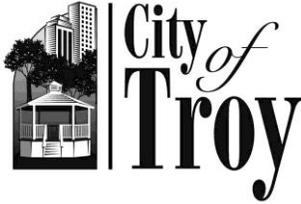


VARIANCE REVIEW STANDARDS ZONING ORDINANCE SECTION 15.04 (E) (2)

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

REGULAR MEETING

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

David Lambert, Chair, and Allen Kneale, Vice Chair
Michael Bartnik, Glenn Clark, Kenneth Courtney
William Fisher, Thomas Strat

September 20, 2011

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – June 21, 2011 and August 16, 2011
3. APPROVAL OF AGENDA
4. HEARING OF CASES
 - A. VARIANCE REQUEST, ANTHONY P. MARTIN AND NADIA H. MARTIN, 3954 ANVIL – In order to allow an existing detached accessory building to remain in the side yard. Accessory buildings are permitted only in the rear yard.
SECTION: 7.03 (B) (2) (a)
 - 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)
5. COMMUNICATIONS

Distribute Final Rules of Procedure to Members

Distribute Electronic Version of City Attorney's Comments on Variance Standards
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.

The Zoning Board of Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on June 21, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
Kenneth Courtney
Thomas Strat
Allen Kneale
William Fisher
David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist
Allan Motzny, Assistant City Attorney

Absent:

Glenn Clark

2. APPROVAL OF MINUTES – May 17, 2011 Study Session and Regular Meeting

Moved by Lambert
Seconded by Bartnik

RESOLVED, To postpone approval of the May 17, 2011 meeting minutes to July 19, 2011 to allow proposed corrections to be presented to the Board.

Yes: All present (6)
Absent: Clark

MOTION PASSED

3. HEARING OF CASES

A. VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS -
In order to split the subject parcel into 3 separate parcels, a 15 foot variance to the required 100 foot lot width requirement for 2 of the proposed parcels, Section 30.10.02

Motion to Postpone Variance Request from Minal Gada and Ashish Manek, 4820 Livernois

Moved by Courtney
Seconded by Fisher

RESOLVED, That the City of Troy Zoning Board of Appeals hereby POSTPONES to the July 19, 2011, Regular Meeting the Variance Request from Minal Gada and Ashish Manek, 4820 Livernois.

Yes: Courtney, Fisher, Kneale, Lambert, Bartnik
No: None
Abstain: Strat
Absent: Clark

MOTION PASSED

4. HEARING OF CASES

- A. VARIANCE REQUEST, TOM KASZUBSKI, EXECUTIVE DIRECTOR, NORTH WOODWARD COMMUNITY FOUNDATION, 3668 LIVERNOIS - In order to conduct an outdoor special event (Troy Family Daze Festival): 1) A variance from the requirement that hours of operation end no later than 8:00 pm on Thursday and Sunday, and no later than 10:00 pm on Friday and Saturday, and 2) a variance from the 4 consecutive day maximum duration for any one event. Applicant proposes to end daily events 1 hour beyond the required times. The proposed event is to last for 8 days (4 day festival plus 4 days devoted to setup and tear down), Section 7.13(l)

Mr. Bartnik advised the Board of a professional relationship he had with Mr. Kaszubski and asked the Board if they believed it to be a conflict of interest. Mr. Bartnik believes there is no conflict of interest. None of the Board members believed there is a conflict of interest.

Chair Lambert OPENED the Public Hearing.

No one spoke.

Chair Lambert CLOSED the Public Hearing.

Motion to GRANT the variance as requested.

Moved by Bartnik
Seconded by Strat

RESOLVED, That the City of Troy Zoning Board of Appeals hereby GRANTS the variance for Tom Kaszubski, Executive Director, North Woodward Community Foundation, 3668 Livernois.

Yes: All Present (6)
Absent: Clark

MOTION PASSED

- B. VARIANCE REQUEST, RICHARD ADAMS, 926 NORWICH DRIVE – In order to construct an addition to the existing carport, a 2.5 foot variance to the required 25 foot front yard setback, Section 4.06 C.

Chair Lambert OPENED the Public Hearing.

No one spoke.

Chair Lambert CLOSED the Public Hearing.

Motion to Grant variance as requested.

Moved by Strat
Seconded by Courtney

RESOLVED, That the City of Troy Zoning Board of Appeals hereby GRANTS the variance for Richard Adams, 926 Norwich Drive.

Yes: All Present (6)
Absent: Clark

MOTION PASSED

5. COMMUNICATIONS

Mr. Evans advised the Board that at the June 28, 2011 Planning Commission Special/Study Session there will be a “Stormwater 101” Presentation by Kelly Sanzica, Director of the Wayne Count Department of the Environment. All Board Members and public are invited to attend.

6. PUBLIC COMMENT – No one was present to speak.

7. MISCELLANEOUS BUSINESS

The Board discussed revising their Rules of Procedure. The Board has received some Member comments and some proposed amendments. The Board agreed to further analyze this information and continue discussion at the next regular meeting.

Mr. Strat advised the Board that the Planning Commission was working on Sustainable Development Options.

8. ADJOURNMENT

The Zoning Board of Appeals meeting ADJOURNED at 8:30 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

G:\BZA\Minutes\2011\Draft\2011 06 21 ZBA Minutes draft.doc

The Zoning Board of Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on August 16, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
Kenneth Courtney
Thomas Strat
Allen Kneale
William Fisher
David Lambert
Glenn Clark

Also Present:

Paul Evans, Zoning and Compliance Specialist
Susan Lancaster, Assistant City Attorney

2. APPROVAL OF MINUTES – July 19, 2011

Moved by Courtney
Seconded by Fisher

RESOLVED, to approve the July 19, 2011 meeting minutes with corrections as presented tonight.

Yes: All present

MOTION PASSED

3. POSTPONED ITEMS

- A. VARIANCE REQUEST, JEFF GLASER, OUR CREDIT UNION, 6693 ROCHESTER – A variance from the requirement that a 6 foot high obscuring wall be provided adjacent to the residentially zoned property north of the subject location.

SECTION: 39.10.01

Moved by Bartnik
Seconded by Courtney

RESOLVED to grant the request, subject to installation of a 4 foot high opaque wall or evergreen/cedar plantings along a portion of the north property line between a point even with the front of the building and a point even with the northeast corner of the paved parking area.

Yes: All present

MOTION PASSED

- B. **VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS**
 In order to split the subject parcel into 3 separate parcels, a 15 foot variance to the required 100 foot lot width requirement for 2 of the proposed parcels.

SECTION: 30.10.02

Citing a conflict of interest, Board Member Strat recused himself and left the room.

Moved by Clark
Seconded by Bartnik

RESOLVED, to postpone the request to the regularly scheduled November 15, 2011 ZBA meeting.

YES: All present (6)
RECUSED: Strat

MOTION PASSED

Board Member Strat returned to the room.

- C. **VARIANCE REQUEST, AIDA AND SARMAH HERMIZ, 6763 DONALDSON ROAD** – In order to construct a 2965 square foot garage addition to the existing house, a 1685 square foot variance to the requirement that the area of an attached accessory building (garage) shall not exceed 75 percent of the ground floor footprint of the living area of the dwelling. 75 percent of the ground floor footprint of the living area is 1952 square feet.

SECTION: 7.03 (B) (b)

Moved by Bartnik
Seconded by Strat

RESOLVED, to grant a 1026 square foot variance.

YES: All present

MOTION PASSED

4. HEARING OF CASES

- A. **VARIANCE REQUEST, ANGELINA AND BESNIK GOJKA, 2420 W. SQUARE LAKE ROAD** – In order to allow 10 adult foster care residents, a 27 square foot variance to the requirement that the land parcel be at least 40,000 square feet in area. Adult foster care small group homes are required to have at least 4,000 square feet of lot area per adult, excluding employees and/or caregivers. The subject property measures 39,973 square feet.

SECTION: 6.02 (B) (2)

Moved by Bartnik
Seconded by Kneale

RESOLVED, to grant the request.

YES: All present

MOTION PASSED

- 5. COMMUNICATIONS - There were no communications.

- 6. PUBLIC COMMENT - No one was present to speak.

7. MISCELLANEOUS BUSINESS

Draft Rules of Procedure:

Moved by Courtney
Seconded by Kneale

RESOLVED to approve the revised Rules of Procedure subject to the modifications discussed tonight.

YES: All present

MOTION PASSED

City Attorney comments on variance standards:

There was general agreement that the comments were acceptable for public distribution. Mr. Evans indicated he would integrate them into the ZBA Application.

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 10:05 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

G:\BZA\Minutes\2011\Draft\2011 8 16 ZBA Minutes Draft.doc

4. HEARING OF CASES

- A. VARIANCE REQUEST, ANTHONY P. MARTIN AND NADIA H. MARTIN, 3954 ANVIL – In order to allow an existing detached accessory building to remain in the side yard. Accessory buildings are permitted only in the rear yard.

SECTION: 7.03 (B) (2) (a)



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AUG - 1 2011

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
<http://www.troymi.gov/CodeEnforcement/#>



PLANNING DEPT.
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: 3954 Anvil Dr.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-24-127-025
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: _____
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 Same
COMPANY _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
E-MAIL _____

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: _____

8. OWNER OF SUBJECT PROPERTY:

NAME Anthony P. Martin & Nadia H. Martin

COMPANY _____

ADDRESS Home address

CITY _____ STATE _____ ZIP _____

TELEPHONE (248)250-7788

E-MAIL _____

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, _____ (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 Anthony P. Martin DATE 8/1/2011

PRINT NAME: Anthony P. Martin

SIGNATURE OF PROPERTY OWNER Anthony P. Martin & Nadia H. Martin DATE 8/1/2011

PRINT NAME: Anthony P. Martin & Nadia H. Martin

Aug. 1st 2011

On June 8th 2011, The City of Troy Issued a Permit to Build a shed in the Back Yard of my Property.

I Built the shed and applied with the Dementions and Locations as shown in the site plan and on June 22nd 2011, the shed was approved by the City Inspector and on July 26th 2011, A different City Inspector Came and told me that the shed is in a wrong Location and is a violation to chapter 39, Section 7.03 of Troy Ordinance Code and must be relocated 9 Feet toward the back of the house according to the Complain that the City received From my next door neighbor who wants the shed to be relocated.

I Feel that I am being mistreated by the City of Troy who approved the shed and after (5) weeks is asking me to relocate it because there was an error in their Approval and the shed Can't be in the Current Location, it is the same Location that was approved and I was told to put it as it shows in the site plan 10 Feet From each wall of the back of the house.

The reason my neighbor Complained on July 26 is because on July 7/19/2011, I put a privacy Fence and didn't put the good side toward his house as he wanted me to do.

Therefore, I kindly request to relief of Chapter 39, Section 7.03 and keep the shed in the Current Location because it Cost me time-money and 4 days of a hard work to Build it. I Believe that I am not responsible to relocate and pay For the shed For an error on the City's Inspector behalf and a Complain From a neighbor.

I appreciate Your Fare decision on the above matter.

Thank You


Anthony P. Martin

City of Troy
Building Inspection Department
500 West Big Beaver, Troy MI 48084
248-524-3344

7/27/2011

Martin, Anthony
3954 Anvil
Troy, MI 48083-5691
PID: 88-20-24-127-025

Subject: Permit- PB2011-0455 (Not Approved)

Dear Martin, Anthony

On July 26, 2011, we discussed the shed constructed at your property. The permit was issued on June 8th 2011 and was approved based on the site plan submitted to the Building Inspection Department. The site plan clearly shows the location of the shed, behind the building line and in the rear yard.

On June 22, 2011 a final building inspection was conducted and approved by the building inspector. I regret to inform you that the shed was approved in error, and the shed cannot be approved in its current location. This is due to the fact it is not behind the building line and in the rear yard as shown on your approved site plan. It is located in an unbuildable area.

You must relocate the shed as indicated on your site plan, or you may request a variance from the City of Troy BZA. We apologize for the confusion and have spoken to the Director of Economic & Community Development, Mark Miller. Mr. Miller has agreed that this is an unfortunate situation and has directed Planning staff to waive application fees to allow you to go to BZA to request relief if you choose to do so. You may request relief of Chapter 39 section 7.03 of the Troy Zoning Ordinance that prohibits structures in a side yard.

Please contact me if you wish to discuss this matter or have any questions. You can speak to the Planning Director, Brent Savidant with BZA Questions as Well.

Sincerely,

Sincerely,

Steve Burns,
Building Official

Brent Savidant,
Planning Director



PB2011-0455%PB%135.00

Building Permit No: PB2011-0455

Building Department
Inspection: (248) 689-5744
Phone: (248) 524-3344

500 W. Big Beaver Road
Troy, Michigan 48084
Hours: Mon-Fri 8am - 4:30pm

Fax: (248) 689-3120
www.ci.troy.mi.us

3954 ANVIL 88-20-24-127-025 Lot: 192 Subdivision: OLDE FORGE SUB NO Zoning: Use Group: Construction Type:	Location	MARTIN, ANTHONY 3954 ANVIL TROY MI 48083-5691	Owner
---	----------	---	-------

Issued: 06/08/2011	MARTIN, ANTHONY MARTIN, ANTHONY 3954 ANVIL TROY MI 48083-5691	Applicant
FOR INSPECTIONS - CALL (248) 689-5744 <i>Inspections called in by 6:00 A.M. will be scheduled the same day.</i>		

Work Description: R-ATTACHED. CONSTRUCT/INSTALL NEW PRE-FAB SHED 8' X 12' AT REAR OF HOME, IN COMPLIANCE WITH CHAPTER 39 OF THE TROY ORDINANCE.

Special Stipulations: MEET ALL CODES AND INSPECTIONS

Work will meet all codes and inspections.

Permit Item	Work Type	Quantity	Item Total
Initial Plan Review Fee	Plan Rev Min.	1.00	30.00
Alterations	Bond Alter	1.00	50.00
Value \$1,001-10,000	Building Permit	1,300.00	55.00

Res., Garage/Acc. Structure

Total Due: \$135.00

Payment Validation

This permit is issued subject to the Building Code, Zoning Ordinance and all other Ordinances of the City of Troy, and shall become void once work is not started or is abandoned for a period of one hundred eighty (180) days.

Separate permits must also be obtained for signs and any plumbing, heating, refrigeration, electric, or sewer work.

This permit conveys no right to occupy any street or public right-of-way, either temporarily or permanently.



BUILDING PERMIT APPLICATION
CITY OF TROY
 DEPARTMENT OF BUILDING INSPECTIONS
 500 W. BIG BEAVER ROAD
 TROY, MICHIGAN 48084
 248-524-3344

RECEIVED

JUN 03 2011

CITY OF TROY
 BUILDING DEPT.

BUILDING / *ZELLINGS*

Date: 6/3/2011

PB2011-0455

Project Information

Job Address: 3954 Anvil Dr. Troy mi 48083 Suite # _____
 Lot: 192 Subdivision: ODE FORGE SUB Sidwell # _____

Building Type

Industrial Office Commercial Multiple Other _____
 Residential Duplex Condo

Request For Building Permit To:

Construct Complete Add to Alter Repair Demolish Other _____
 New Building Existing Structure Tenant Space Spa Other _____
 Garage/Accessory Building Deck Patio Pool

Additional Information on location of Construction (Floor/area of bldg.) _____

Size of Bldg./Addition/Tenant Space/Garage/Deck/etc.: 8x8 FT shade 8x12 FT. PINE FAB

ZONING: RLC USE GROUP: R3 CONST. TYPE: 5B

ESTIMATED COST OF CONSTRUCTION ~~\$1000.00~~ 1300 By Contractor \$ 1300 By Department

Applicant Information

Name: Anthony P. Martin Phone: (248)565-5048 Fax: _____
 Address: 3954 Anvil Dr. City: Troy State: MI Zip: 48083
 License # _____ Federal ID # _____ MESC # _____ Comp. Carrier _____
 Email: _____ Preferred Contact # _____

Owner Information

Name: Anthony P. Martin Phone: (248)565-5048 Fax: _____
 Address: 3954 Anvil Dr. City: Troy State: MI Zip: 48083

PLOT PLANS SHALL BE Submitted on Separate Sheets and shall show all easements and measurements (must be correct and in detail).
 Show all streets abutting lot, indicate front of lot, show all buildings, existing and proposed distances to lot lines.

I, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT AND THAT I HAVE REVIEWED ALL DEED RESTRICTIONS WHICH MAY APPLY TO THIS CONSTRUCTION AND AM AWARE OF MY RESPONSIBILITY THEREUNDER.

Homeowner Affidavit

I hereby certify that the work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the State of Michigan Building Code and shall not be enclosed, covered up or occupied until it has been inspected and approved. I will cooperate with the Building Inspector and assume all responsibility to arrange for necessary inspections.

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Signature of Applicant: [Signature] Date: 6/3/2011
 (owner's signature indicates compliance with homeowner's affidavit)

Subscribed and sworn to before me this 3 day of June Notary Public: Oakland County, Michigan
Gerald Rice My commission expires 12-28-16

A SOIL EROSION PERMIT MAY BE NECESSARY FOR YOUR BUILDING PERMIT TO BE PROCESSED
PLEASE SEE THE ENGINEERING DEPARTMENT
FOR BUILDING DEPARTMENT USE ONLY

GERALD D. RICE
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF OAKLAND
 MY COMMISSION EXPIRES Dec 28, 2016
 ACTING IN COUNTY OF Oakland

APPROVED BY: Plan Commission
 Board of Zoning Appeals
 City Council

Date: _____
Date: _____
Date: _____

PLAN ANALYST COMMENTS: MEET ALL CODES & INSPECTIONS FOR
NEW 8' X 12' shed @ rear of HOME IN
compliance w/ CH 39 OF TROY ORDINANCE

SPECIAL STIPULATIONS: _____

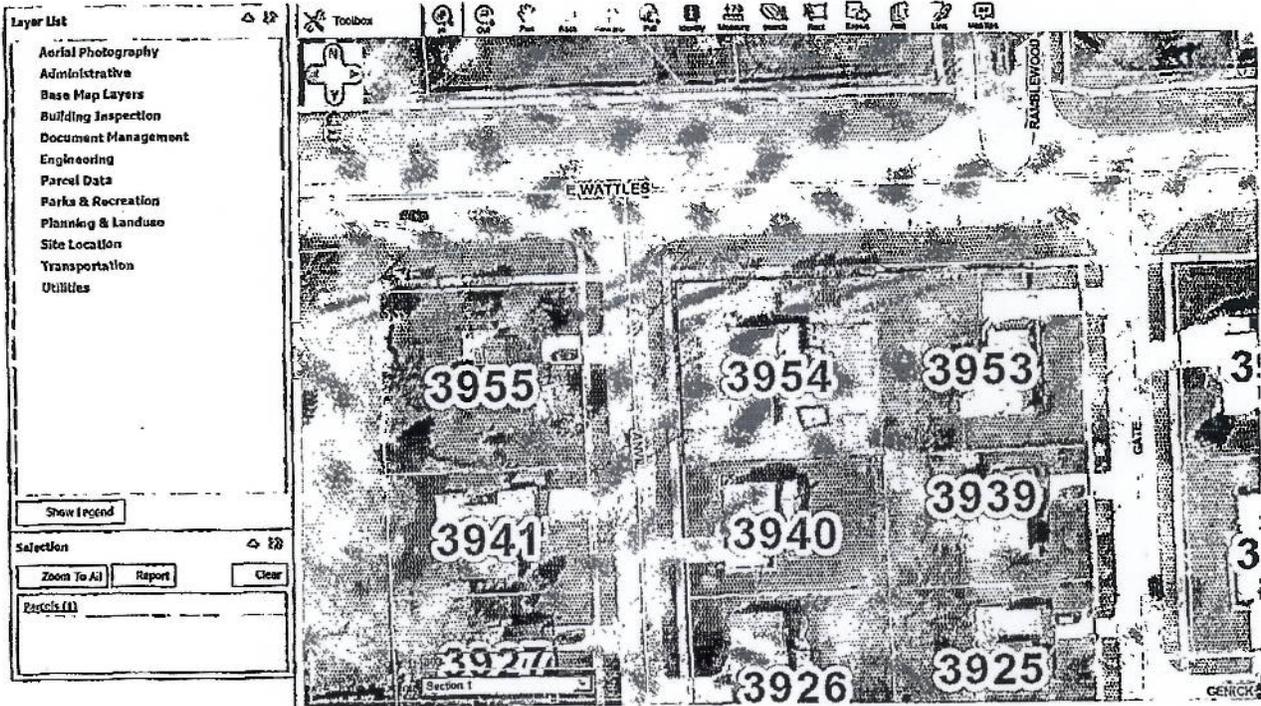
Plan Review Fee Paid \$ _____ Date _____

Soil Erosion _____

FEES DUE:
Building Permit Fee \$ 55⁰⁰
Certificate of Occupancy \$ 0
Bond (refundable) \$ 30⁰⁰
Plan Review Fee \$ 30⁰⁰
Add'l Plan Review Fee \$ 0
Micro Film Charge \$ _____
Grade Inspection \$ _____
Street Maintenance Fee \$ _____
Tree Deposit \$ _____
Registration (exp. 5/31) \$ _____
TOTAL DUE \$ _____

Sewer Fee \$ 0
Water Fee Due \$ _____
Structural Review Fee \$ _____
Plans [] Rolled
[] Folded
[] Attached

APPROVED BY: [Signature] DATE: 6-8-11



ARCHITECTURAL FEATURES SHALL NOT ENCR OACH INTO REQUIRED YARDS

APPROVAL OF THIS PERMIT DOES NOT RELIEVE THE BUILDER OR OWNER OF COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES

**CITY OF TROY
Building Department**

Date

Approved By

Date	Department	Approved By
	Planning	
	Structural	
	Civil	
	Electrical	
	Plumbing	
	HVAC	
6/8/11	Building	<i>[Signature]</i>



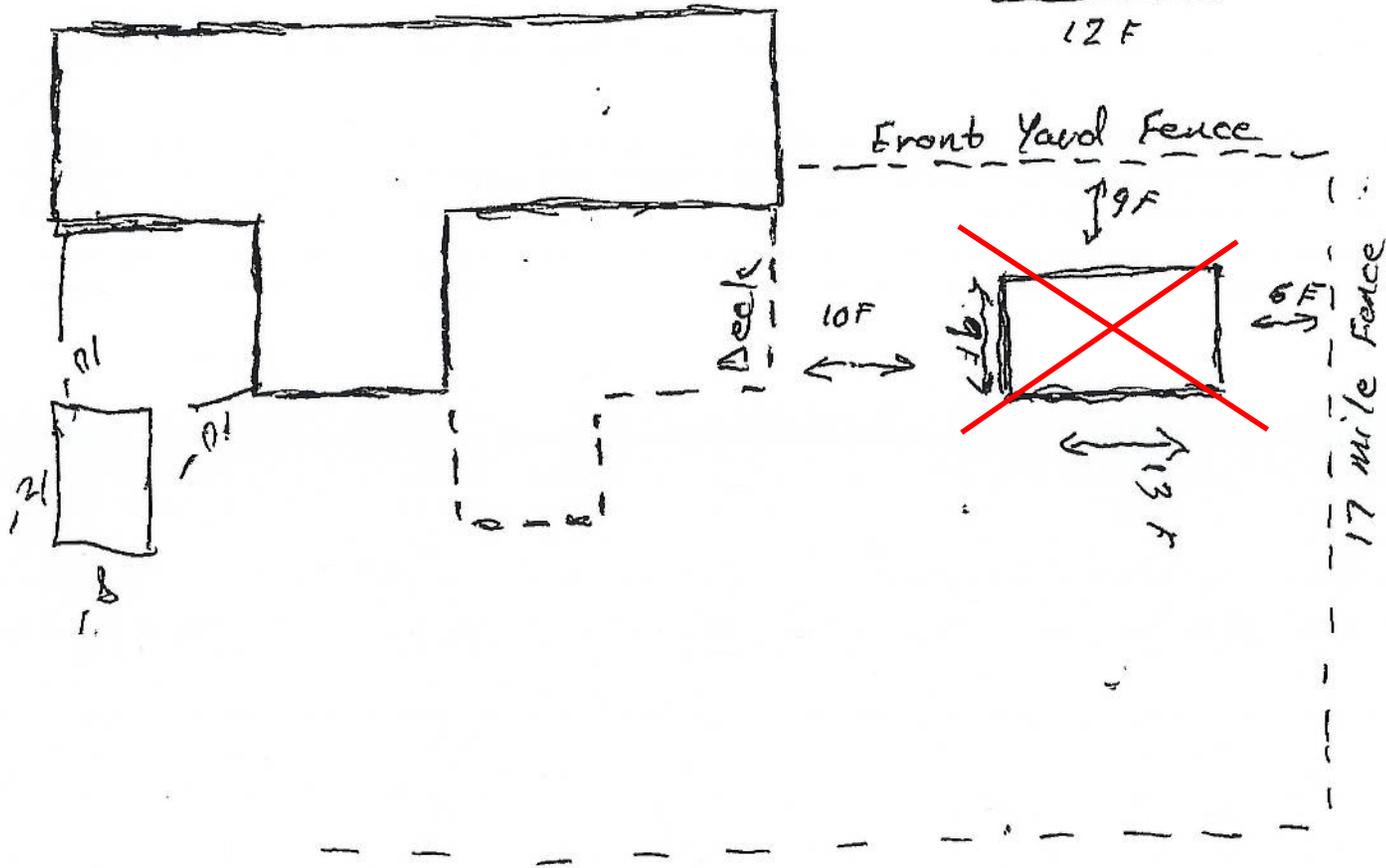
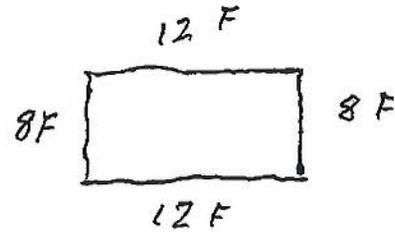
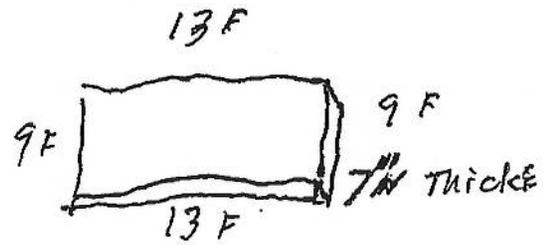
**3 FULL WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG@
1-800-482-7171**

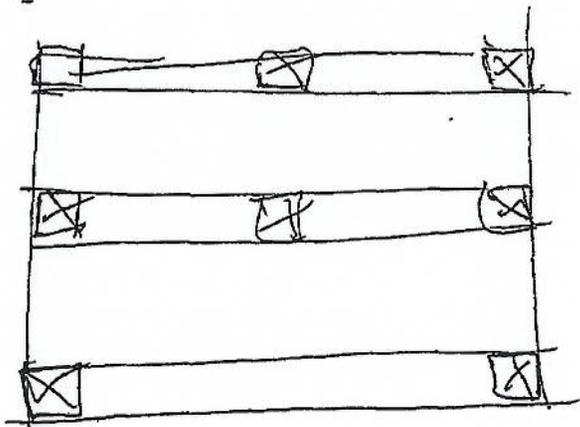
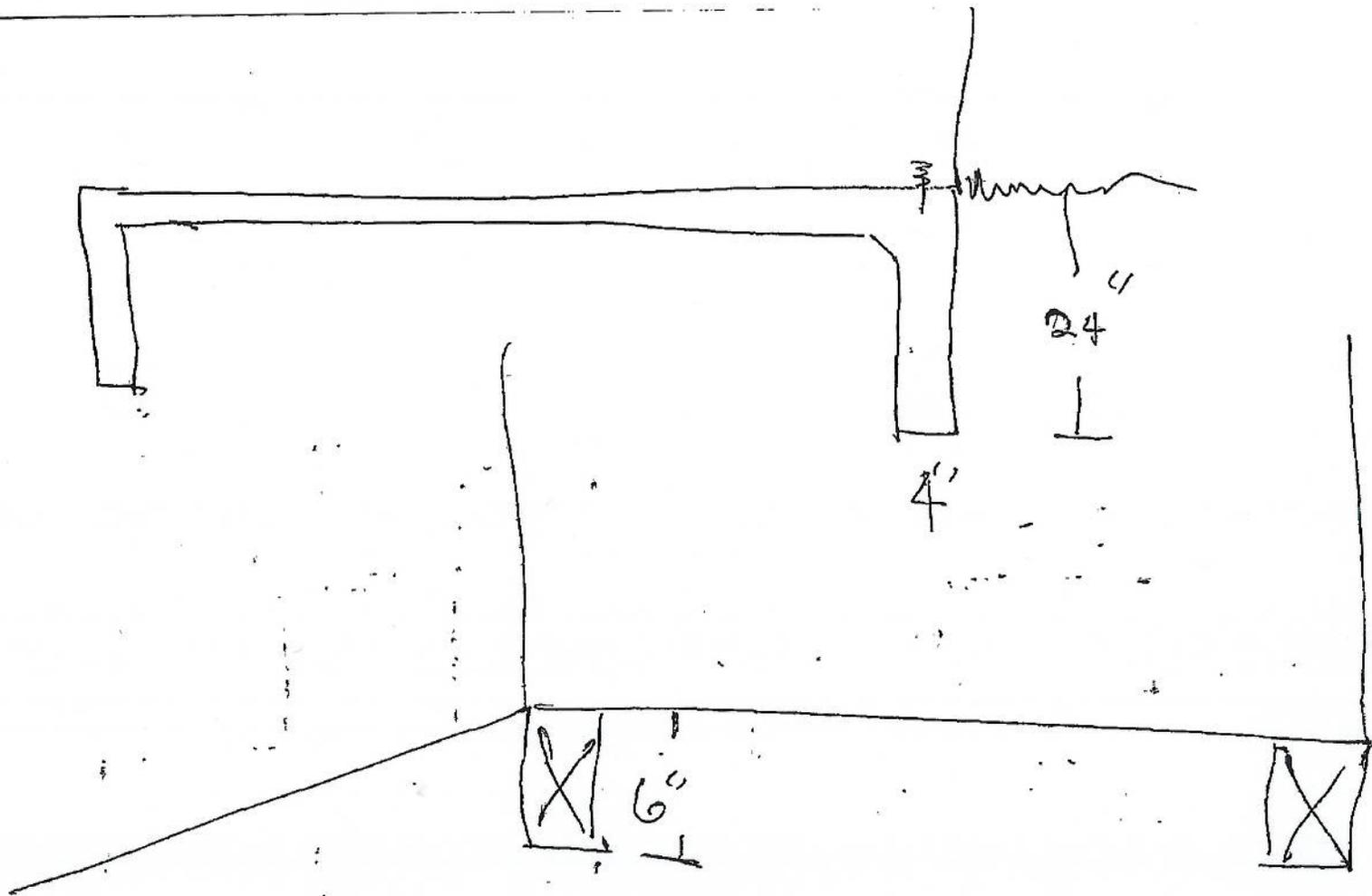
Member utilities are required to locate their lines at no charge to the caller

PB001-055 RECORD COPY

Sheed Cost: \$1300.00
~~Cement Cost: \$300.00~~

6" ABOVE GRADE
ON 6" x 6" P.T. TIMBER







CITY INSPECTOR MEASUREMENTS - AS BUILT

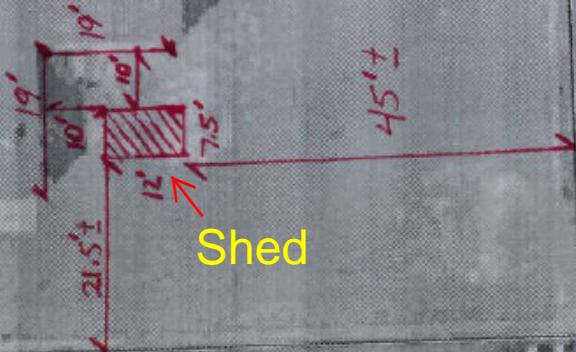
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HOUSE

North ↑



Shed

Scale 1: 260

Jump to Extent: Section 1

From: [Jerry Thompson](#)
To: [Planning](#)
Subject: Zoning Ordinaance Sections: 7.03 (B) (2) (a)
Date: Sunday, September 04, 2011 3:44:26 PM

Location 3954 Anvil Dr., Troy, Mi 48083

Applicant/Property Owner: Anthony P. Martin and Nadia H. Martin

I request that the accessory buildings be moved to the appropriate area in the rear yard. There is ample room in the rear yard for this building.

I believe that a variance should be requested prior to putting a building up and furthermore this building was only put up this summer.

Jerome A. Thompson
3940 Anvil Dr.
Troy, Mi. 48083

From: dman9179@aol.com
To: [Planning](#)
Subject: 3954 Anvil Dr/zoning ordinance section 7.03B (2) (a)
Date: Sunday, September 11, 2011 10:58:07 AM

Good Morning

I am sending this email in regards to the Public Hearing on Tuesday, September 20th, 2011 as it relates to the accessory building at 3954 Anvil Dr.

I have been a resident at 3898 Anvil since 1991. Not that my years makes a difference, however I take a great deal of pride in my neighborhood, as well as in the City of Troy. I have met Tony and admire him of all the work he has done in his new residence at 3954 Anvil. The house and lawn look so much better since he has moved in there.

I was not sure exactly why I received this post card from the City, so I decided to take a walk down to the end of the street to physically see the situation. With the privacy fence that was put up, you can not really notice the shed in the back yard unless you really stop to look for it. I believe that the shed should remain and that Tony should not have to move it from its existing location. I would hope that my city will allow the variance on this shed.

Sincerely
Dennis Marckel
3898 Anvil Dr
Troy MI 48083
phone 248.941.7725

From: [Paul M Evans](#)
To: "Sally Arnold"
Cc: [Kathy Czarnecki](#)
Subject: RE: zoning Ordinance section 3954 Anvil Zoning Board of Appeals
Date: Tuesday, September 13, 2011 10:55:54 AM

Thank you. We will forward your comments to the Zoning Board of Appeals.

-----Original Message-----

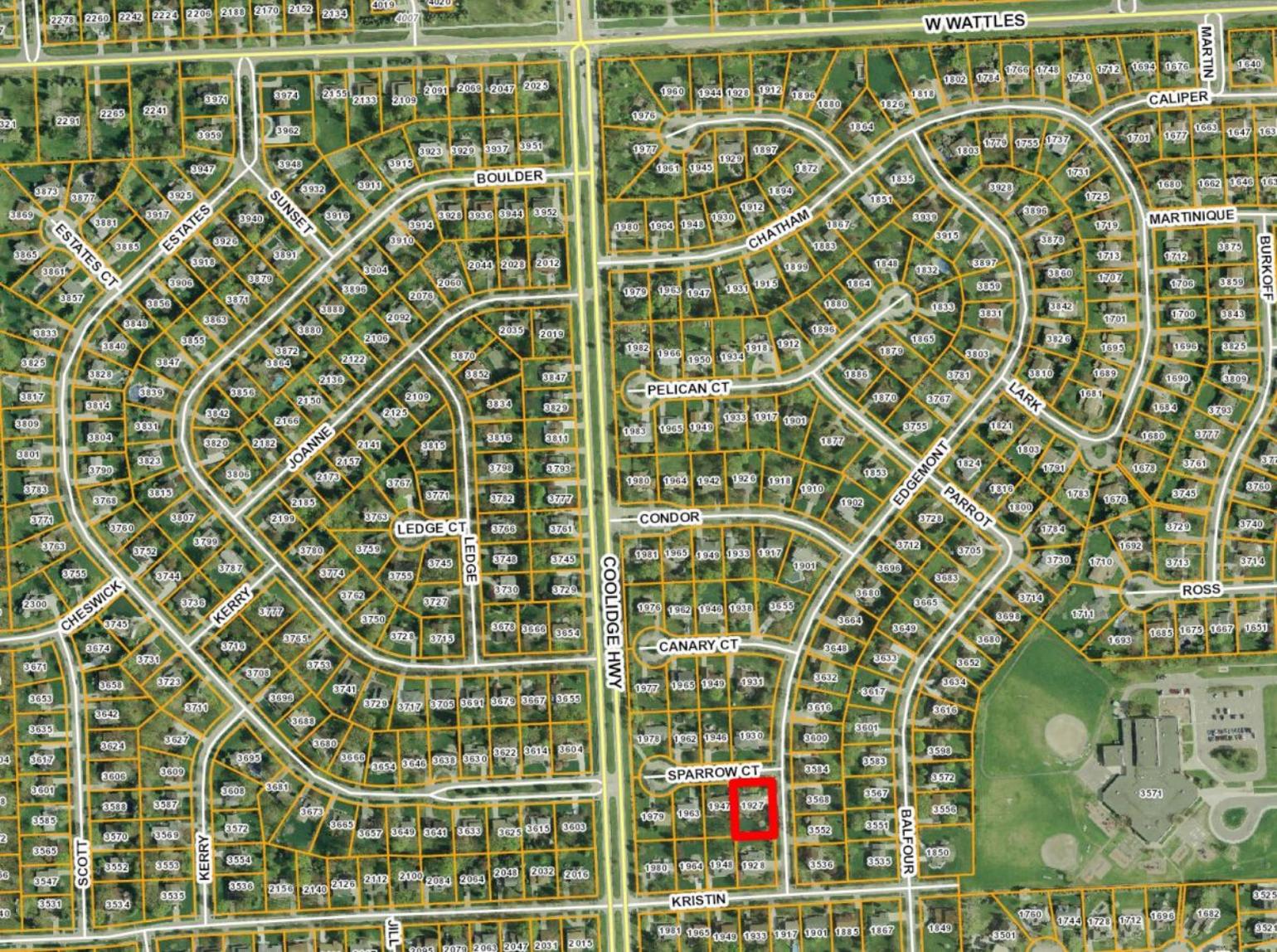
From: Sally Arnold [<mailto:saljarnoa@sbcglobal.net>]
Sent: Tuesday, September 13, 2011 9:09 AM
To: Paul M Evans
Subject: zoning Ordinance section

Location 3954 Anvil Dr. Troy Mi 48083 Applicant/ property owner; Anthony P. Martin and
Nadia H. Martin I request that the accessory building be moved to the appropriate area in
the rear yard. Please do not grant the variance. Sally J Arnold 3941 Anvil Dr. Troy, Mi 48083

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)



W WATTLES

MARTIN

CALIPER

BOULDER

CHATHAM

MARTINIQUE

BURKOFF

PELICAN CT

LARK

COOLIDGE HWY

CONDOR

EDGEMONT

PARROT

ROSS

CANARY CT

SPARROW CT

BAUFOUR

KRISTIN

ESTATES CT

SUNSET

JOANNE

LEDGE CT

LEDGE

CHESWICK

KERRY

SCOTT

KERRY

HILL



1978

1962

1946

1930

3600

30

SPARROW CT

3584

1979

1963

1947

1927

3568

EDGE MONT

3552

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
<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  DATE 8-22-11

PRINT NAME: EDWIN WUDYKA

SIGNATURE OF PROPERTY OWNER  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.

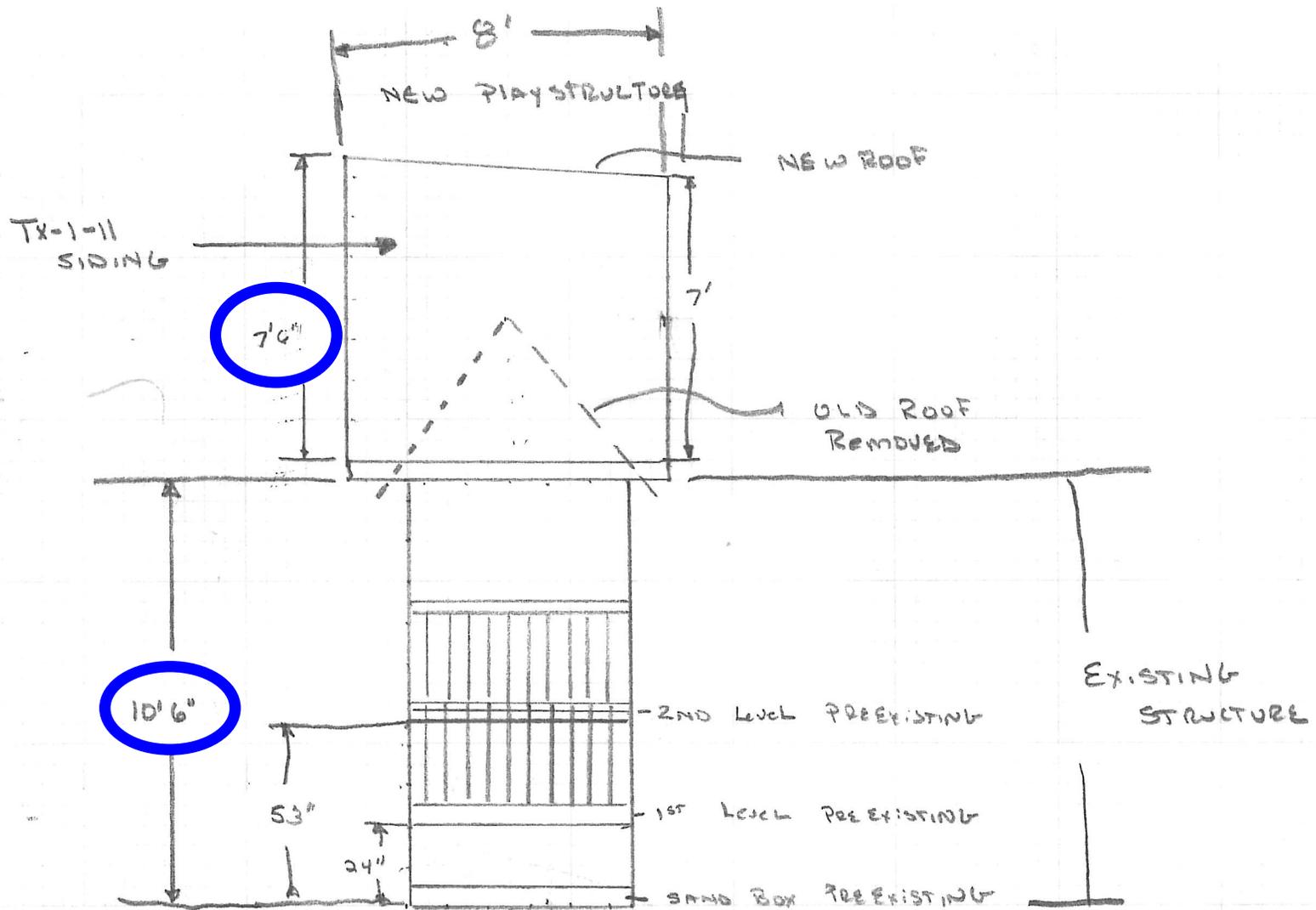
Edwin Wudyka

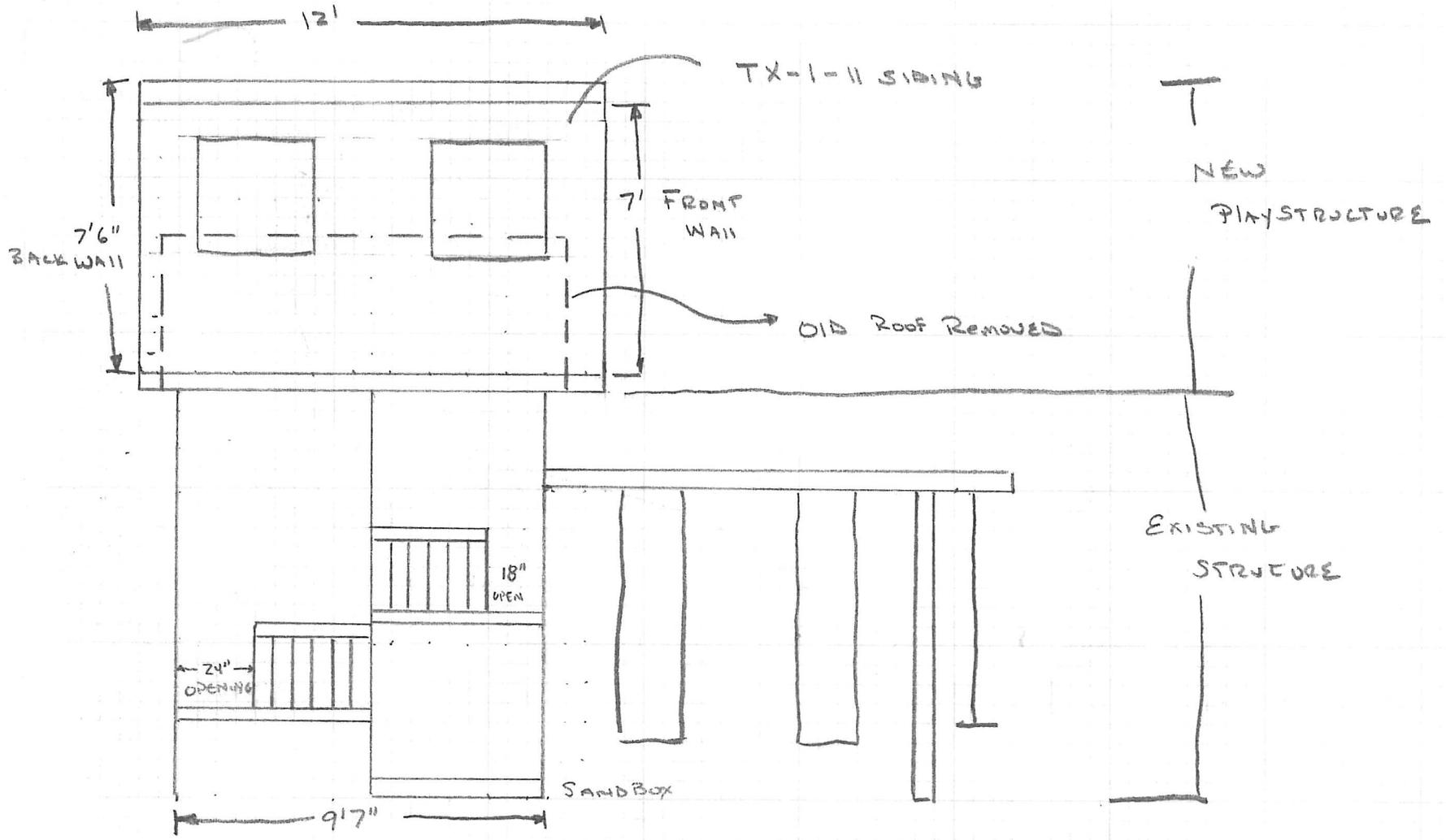
1927 Sparrow Ct.

Troy, MI 48084

1927 SPARROW CT

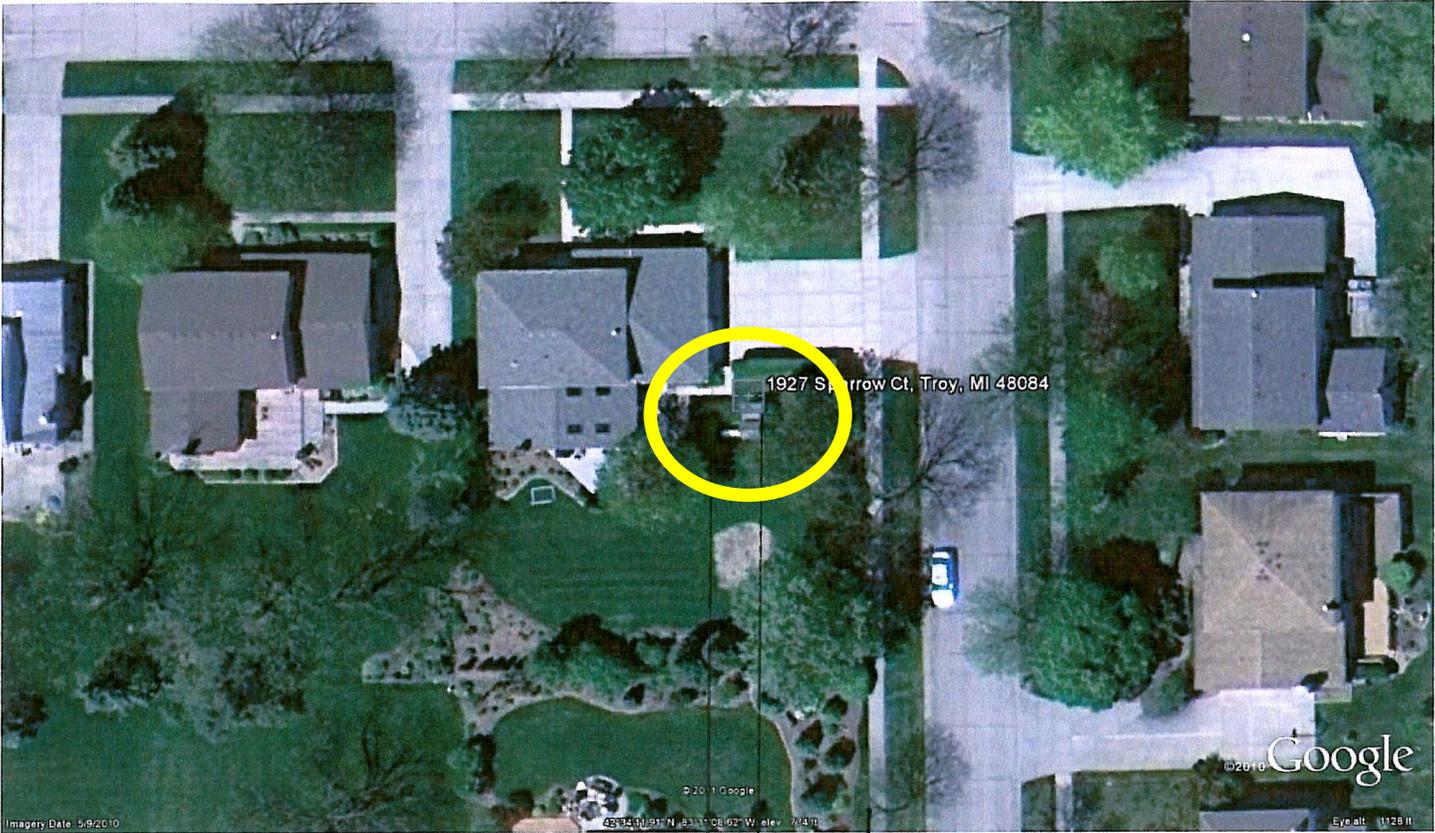
TROY MI 48064



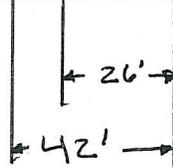


1" = 1'

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

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

5. COMMUNICATIONS

Distribute Final Rules of Procedure to Members

ZONING BOARD OF APPEALS
FOR THE CITY OF TROY

RULES OF PROCEDURE

ARTICLE I
ORGANIZATION

1. The Board shall annually, at its regular meeting in the month of May, elect its own Chairperson and Vice-Chairperson to hold office for one year. The Zoning Administrator shall be the Clerk of the Board, provided that the Clerk may appoint other persons to make records of the meetings.
2. The Chairperson shall preside at all meetings of the Board. In the case of the absence of the Chairperson, the Vice-Chairperson shall preside. The presiding officer, subject to these rules, shall decide all points of order or procedure.
3. The Clerk or his or her representative shall keep the minutes of the Board's proceedings, shall have custody of all records of the Board, shall sign all communications of the Board, shall supervise all clerical work of the Board and perform such other duties as may be requested by the Board.

ARTICLE II
MEETINGS

1. All meetings held by the Board shall be open to the public.
2. Board meetings shall be held on the third Tuesday of each month at 7:30 P.M. except when such day falls on a legal holiday, in which event the Board may designate an alternate meeting date.
3. A resolution supported by the majority of the members present may temporarily suspend any rule of procedure or change the date and time of regular meetings.
4. Special meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson. Notice of the Special Meeting shall be given in a manner as required by the Open Meetings Act and the Zoning Administrator or his or her designee shall notify all members of the Zoning Board of Appeals not less than 24 hours in advance of a Special Meeting.
5. Four members of the Board shall constitute a quorum for conducting of its business. The concurring vote of four (4) members shall be necessary to decide upon appeals of administrative decisions, Zoning ordinance or Zoning Map interpretations, dimensional or other non use variances, and other matters upon which the Board is required to pass under the Zoning Ordinance.

6. Use variances shall require an affirmative vote of two thirds of the board (5 members) for approval.
7. In the event that a Board member is absent or is excused from voting on an item due to a perceived conflict of interest, one of the alternate Board members shall be temporarily seated at the call of the Chairperson.
8. Alternate members who serve and who participate in any agenda item shall continue to serve on the Zoning Board of Appeals for that item until a final decision is reached on the same.
9. The order of business at meetings shall be as follows:
 - a. Roll Call.
 - b. Approval of Minutes of Previous Meetings
 - c. Approval of Agenda
 - d. Hearing of Cases
 - e. Communications
 - f. Miscellaneous Business
 - g. Public Comment
 - h. Adjournment

ARTICLE III VARIANCES & APPEALS

1. All applications to the Zoning Board of Appeals shall be filed with the City. Application forms may be obtained from the Planning Department. A copy of each application shall be served upon the Planning Department, which shall transmit to the Board all information constituting the application.
2. In addition to the information required on the forms, each application shall contain the following information:
 - a. The order being appealed or the section of the zoning ordinance from which a variance is sought.
 - b. The reasons for appeal.
 - c. Plans drawn to approximate scale showing shape and dimensions of lots, existing buildings and buildings to be erected, altered or changed, and any other information with regard to the lot or neighboring lots, and the proposed or existing use, as deemed necessary by the Zoning Administrator.

- d. A clear and accurate description of the proposed use, construction, or work.
 - e. Any other information necessary to clearly explain the nature of the request.
- 3. The applicant may appear on his or her own behalf or may be represented at the hearing by an attorney or authorized agent.
- 4. The Hearing Procedure for Use Variances is governed by Section 15.05 B.3 of the Zoning Ordinance. For all other appeals, the order of procedure of hearings shall be:
 - a. Calling of the Case by the Chairperson
 - b. City Staff introduction of the case.
 - c. Applicant's presentation of the case.
 - d. Open public hearing to interested persons.
 - e. Close public hearing
 - f. Applicant rebuttal or clarification of public comments
 - g. Board deliberation and motion and decision.
- 5. Time limits during public hearings: The Board may establish time limits for presentations to the Board in those cases where it is evident that a particular item is likely to involve public comments from several individuals.
- 6. The Board may require, of the applicant, additional information necessary to fully advise the Board.

ARTICLE IV DISPOSITION OF BOARD ACTION

- 1. The decision of the Board shall be in writing, and, so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts and findings of the Board. The applicant shall be advised of the Board's decision by mail within a reasonable time after the hearing unless the Board moves for a continuation of the hearing, or unless the Board decides that, in its opinion, immediate notification is necessary.
- 2. The applicant may withdraw the appeal at any time prior to the final action by the Board.

ARTICLE V MISCELLANEOUS

These rules of procedure are subject to and controlled by the Troy City Code and the Michigan statutes applicable to Zoning Boards of Appeal.

ARTICLE VI
AMENDMENTS

These rules of procedure may be amended at any regular meeting upon an affirmative vote of the majority of the entire membership of the Board provided that any amendment or modification is consistent with the applicable Troy City Code and Michigan statutes.

5. COMMUNICATIONS

Distribute Electronic Version of City Attorney's Comments on Variance Standards

PRACTICAL DIFFICULTY FOR DIMENSIONAL AND NON-USE VARIANCES

These comments are not meant to be all inclusive of issues regarding the topic of “practical difficulties”. They are meant to be helpful to ZBA members and Petitioners in understanding what is required for ZBA fact finding under the City of Troy Code of Ordinances.

Zoning Ordinance 15.04 E. Dimensional and Other Non-Use Variances.

1. “Where a literal enforcement of the provision of this ordinance would involve practical difficulties within the meaning of this Article, the Zoning Board of Appeals shall have the power to authorize such variations of the provision of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.”

Commentary: In general, for dimensional or non-use variance requests, if there are “practical difficulties” and the variance request is in harmony with good planning principals for the community, a variance may be granted if it does not harm the good of the public. *Heritage Hill Ass’n, Inc. v. Grand Rapids*, 48 Mich. App. 765 (1973).

Michigan appellate courts have held that ZBA’s cannot grant a non-use variance without substantial evidence. *Farah v. Sachs*, 10 Mich. App. 198 (1968). They have also held that a ZBA record must contain finding of fact (evidence) to support a variance based on a practical difficulty. *Reenders v. Parker*, 217 Mich. App. 373 (1996). Case law and sometimes State statute set out standards of review for appellate courts for different kinds of cases. An appeal from a ZBA requires an appellate court (Oakland County Circuit Court) to find that there was “competent, material, and substantial” evidence as set out on the record to support a grant or denial of a variance request. Looking at this from a reviewing court’s point of view, the courts have stated that meaningful judicial review of whether there was “competent, material, and substantial” evidence to support a zoning board decision requires that the record set

out the facts justifying the board's conclusion. *Tireman-Joy-Chicago Improvement Assn v. Chernick*, 361 Mich. 211 (1960). In other words, you must state during your discussions and in your motions, the factual reasons why you believe or do not believe that practical difficulties exists to grant or deny a variance. If an appellate court determines there are insufficient factual findings in a ZBA record, they can remand the case to the ZBA for further discussion and fact finding. The appellate court can also reverse the decision of the ZBA if it has ignored obvious practical difficulties presented by the petitioner or by anyone on the record. Of course, the reviewing court can also affirm the decision of the ZBA if there is competent, material and substantial evidence on the record supporting the decision.

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 exists:

Commentary: Most ZBA petitioners have never been before a municipal board and have no knowledge of court cases. Hiring an attorney to represent them may be cost prohibitive. There is no a simple explanation of what constitutes a practical difficulty. This may result in a failure by a petitioner to adequately express themselves on the record or the failure to state any practical difficulties even if they exist. A board member may hear comments by a petitioner or other speaker or see something on the plans or in the Zoning and Compliance Specialist report to the board which, although not labeled a "practical difficulty" by the petitioner or speaker, may qualify as a practical difficulty or be evidence that there is no practical difficulty. A board member can use that information during a discussion of practical difficulties under one of the criteria listed for granting or denying a variance.

- a. Exceptional characteristics of property for which the variance is sought make compliance with the 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.

Commentary: Exceptional characteristics of the property are physical characteristics. Your views should be expressed as to whether or not the physical characteristics of the property constitute a practical difficulty. Look to anything physical on the property, not neighboring properties (discussions of neighboring properties can be discussed under criteria 2. e.), to discuss on the record. Is it a small parcel, a very large parcel, an average parcel.? Is it narrow or wide, deep or shallow, irregularly shaped? Examples of irregularly shaped parcels include, but are not limited to, triangular (pie shaped), parcels that are more narrow at one end than the other, a corner parcel, a parcel adversely affected by the right-of-way, and a parcel cut in half by a drainage ditch. Look for environmental features such as trees on the lot which might be impractical (even aesthetically) to take down. Is there a wetland area? Are there berms, hills or swales? Is there something about this property that makes it something other than a squared off, average size lot with flat features and little or no vegetation? Analyze the property using the foregoing criteria. There may be nothing unusual about the property, and if that is the case, that finding should be stated on the record. The object is to make a record supporting your decision to grant or deny.

- 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.

Commentary: This is a finding of fact that the variance request relates only to the characteristics of petitioner's parcel. This does not mean that a petitioner cannot speak of issues on neighboring property which might affect his request (See Criteria 2.e.). If a petitioner argues that he/she should have a variance because everyone else in his neighborhood has one, that might be considered under 2.e., but this does not relieve the petitioner's burden of

showing what practical difficulties exist on his/her own property which makes it necessary to grant the variance.

Comments made by board members for other criteria may be repeated here. If the lot is an unusual shape that makes compliance with the ordinance difficult (2.a.) then the board may find the practical difficulty relates only to the characteristics of the petitioners premises. A finding that the characteristics of the petitioner's premises already discussed relate ONLY to his/her premises, would satisfy this criterion.

- c. The characteristics which make compliance with dimensional requirements shall not be of a personal nature.

Commentary: It can be argued that any request for a variance is of a "personal nature" since the petitioner's property is being affected. However, the ZBA should only be concerned with stated characteristics of the property which do not demonstrate a need for the variance other than the petitioner wants to have it. There are many personal concerns that the board can take into consideration that have already been stated under the other criteria. Those can be repeated under this criterion. The board can take into account the developmental history of the property that was not self-created by the petitioner. For example, a parcel developed under an older plat which resulted in dimensional setbacks that are not recognized under the new Zoning Ordinance. The board can consider a personal preference that has no impact on what already exists on the property. For example, adding a sun porch with the same or similar dimensions of an existing patio or deck that will not affect the neighbors. It is best to use your common sense and judgment in stating findings under this criterion. You can also consider stating your finds in a "negative" way. For example, you can find that since all the other criteria are met and the variance will not alter the essential characteristic of the area or unreasonably affect the neighbors, you believe it should be granted. You may want to include in this some of the findings listed for in Criteria 2. e.

A ZBA should not grant a variance based solely on financial considerations. A ZBA should not grant variances based on claims that the petitioner cannot afford to move or that the petitioner would be in a better financial position if it was granted a variance for an addition. Financial difficulties are not considered “practical difficulties” by the courts.

- d. The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.

Commentary: This criterion requires you to look at the history of the property. Such items include, but are not limited to, the following: have other variances been granted in the past which, if they had not been granted, would not make a petition for the current variance necessary; has the petitioner acquired a lot split and is now requesting dimensional variances on that lot; or was there a change to the property which required a permit or a variance and the petitioner failed to get the permit or a variance.

If the property is compliant with the Zoning Ordinance in existence at the time of its development and there is no history of prior variances which affect this petition, you can state that on the record.

- 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 the public health, safety, comfort, morals or welfare of the inhabitants of the City.

Commentary: This criterion is an opportunity to discuss anything else relevant to your decision. It leaves wide open the issues the board can consider in the totality of the circumstances leading to its

decision. You can and are required to look at neighboring premises and the general public to determine if a grant of a variance would or would not be harmful to the neighborhood or the public. Discussions may include, but not be limited to, comments from other neighbors, a description of the general layout of the neighborhood, including other lots sizes, typography, aesthetics of the neighborhood, street traffic, sidewalk issues, the existence of easements and right-of-way and access to areas by police/fire, if appropriate. Under this criteria you can mention whether or not there are objections from the surrounding neighbors or anyone else and you can look at conditions on neighboring property that may present a practical difficulty for the petitioner as long as there is a comment that a variance would not unreasonably impair or diminish the health, safety, welfare, comfort or morals of the other residents of the City. A maker of a motion can summarize the comments made by other members of the board that the maker believes are appropriate for grant or denial of the variance.

3. The Zoning Board of Appeals shall not find that any of the above criteria have been met without substantial evidence provided by the applicant to that effect.
4. The proposed variance will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.