

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

The Zoning Board of 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 and sign in the sheet provided. 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.) and 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 postpone 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.

October, 2011



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

October 18, 2011

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – September 20, 2011
3. APPROVAL OF AGENDA
4. HEARING OF CASES
 - A. VARIANCE REQUEST, PASTOR SCOTT MORGAN, ZION CHRISTIAN CHURCH, 3668 LIVERNOIS – In order to conduct an outdoor special event (Fall Harvest Festival) on Monday, October 31, 2011, a variance from the requirement that hours of operation end no later than 8:00 p.m. Applicant requests the event end at 9:00 p.m.

SECTION: 7.13 I (3)
5. COMMUNICATIONS
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 September 20, 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 – June 21, 2011 and August 16, 2011

Moved by Courtney
Seconded by Clark

RESOLVED, to approve the June 21, 2011 and August 16, 2011 meeting minutes.

Yes: All present

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

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)

Moved by Kneale
Seconded by Courtney

RESOLVED to postpone the matter to the October 18, 2011 Zoning Board of Appeals meeting.

Yes: None
No: All

MOTION DENIED

Moved by Lambert
Seconded by Bartnik

RESOLVED to grant the variance as requested.

Yes: All

MOTION PASSED

- 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)

Moved by Lambert
Seconded by Courtney

RESOLVED, to grant the request to allow the accessory supplemental building (play house) to remain in the front yard.

YES: All

MOTION PASSED

Moved by Strat
Seconded by Bartnik

RESOLVED, to deny the request to allow a 19 foot tall accessory supplemental building (play house).

YES: All

MOTION PASSED

- 5. **COMMUNICATIONS** - The Board acknowledged receiving the final revised Rules of Procedure and City Attorney’s comments on variance standards.

6. PUBLIC COMMENT - No one was present to speak.
7. MISCELLANEOUS BUSINESS - none
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 9:27 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

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- A. **VARIANCE REQUEST, PASTOR SCOTT MORGAN, ZION CHRISTIAN CHURCH, 3668 LIVERNOIS** – In order to conduct an outdoor special event (Fall Harvest Festival) on Monday, October 31, 2011, a variance from the requirement that hours of operation end no later than 8:00 p.m. Applicant requests the event end at 9:00 p.m.

SECTION: 7.13 I (3)



CRESTFIELD

HANOVER

TANNER

E WATTLES

W WATTLES

VIRGILIA

MIRACLE

LAWSON

ELIZABETH

SCOTTSDALE

BARBARA

WENDELTON

LIVERNORS

RUTHLAND

KIRK

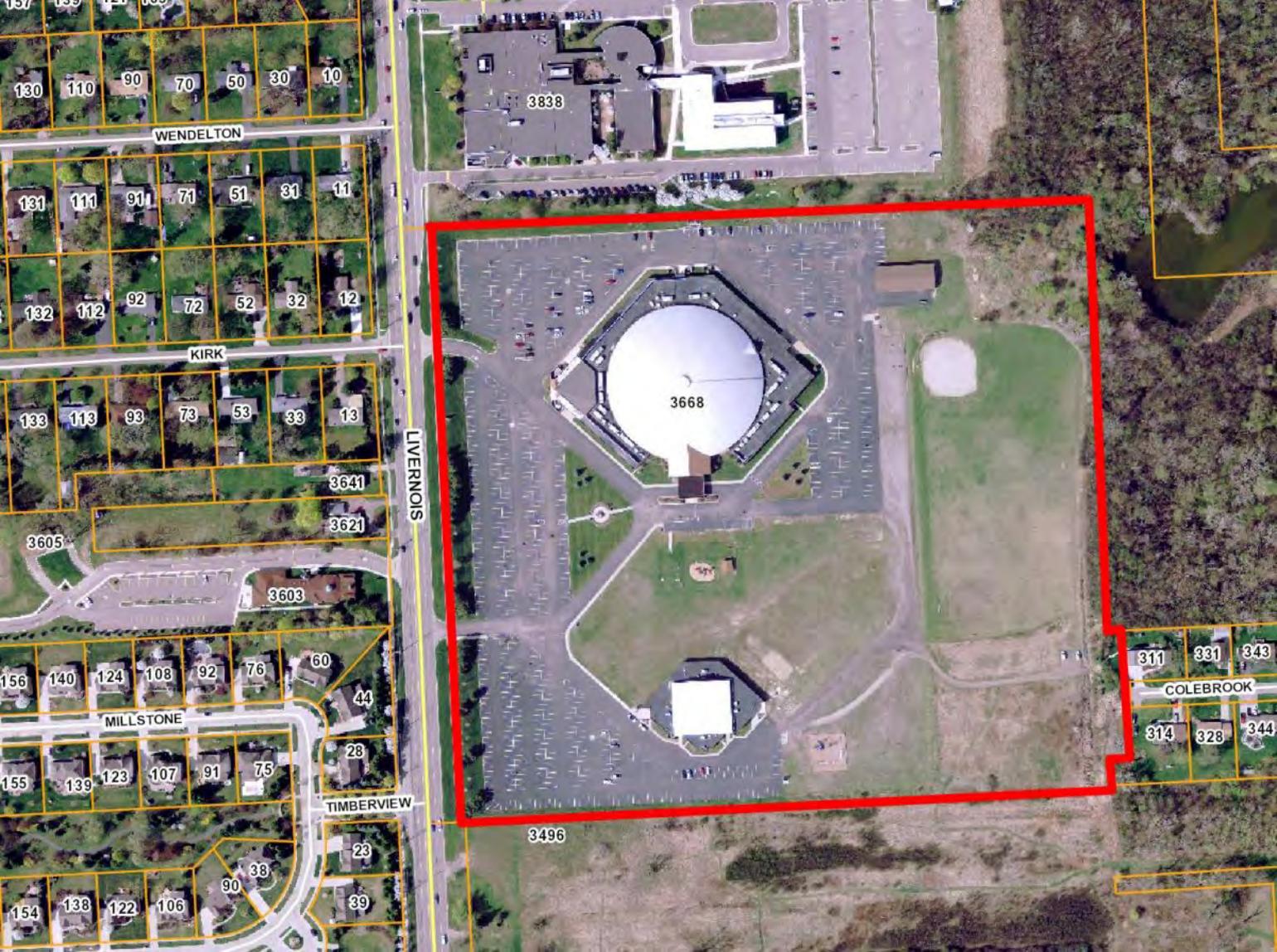
COLEBROOK

MILLSTONE

TIMBERVIEW

CHERISHED VIEW

TROMBLEY



WENDELTON

KIRK

LIVERNOIS

MILLSTONE

TIMBERVIEW

COLEBROOK

3496

3838

3668

3641

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3603

3605

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131 111 91 71 51 31 11

132 112 92 72 52 32 12

133 113 93 73 53 33 13

156 140 124 108 92 76 60

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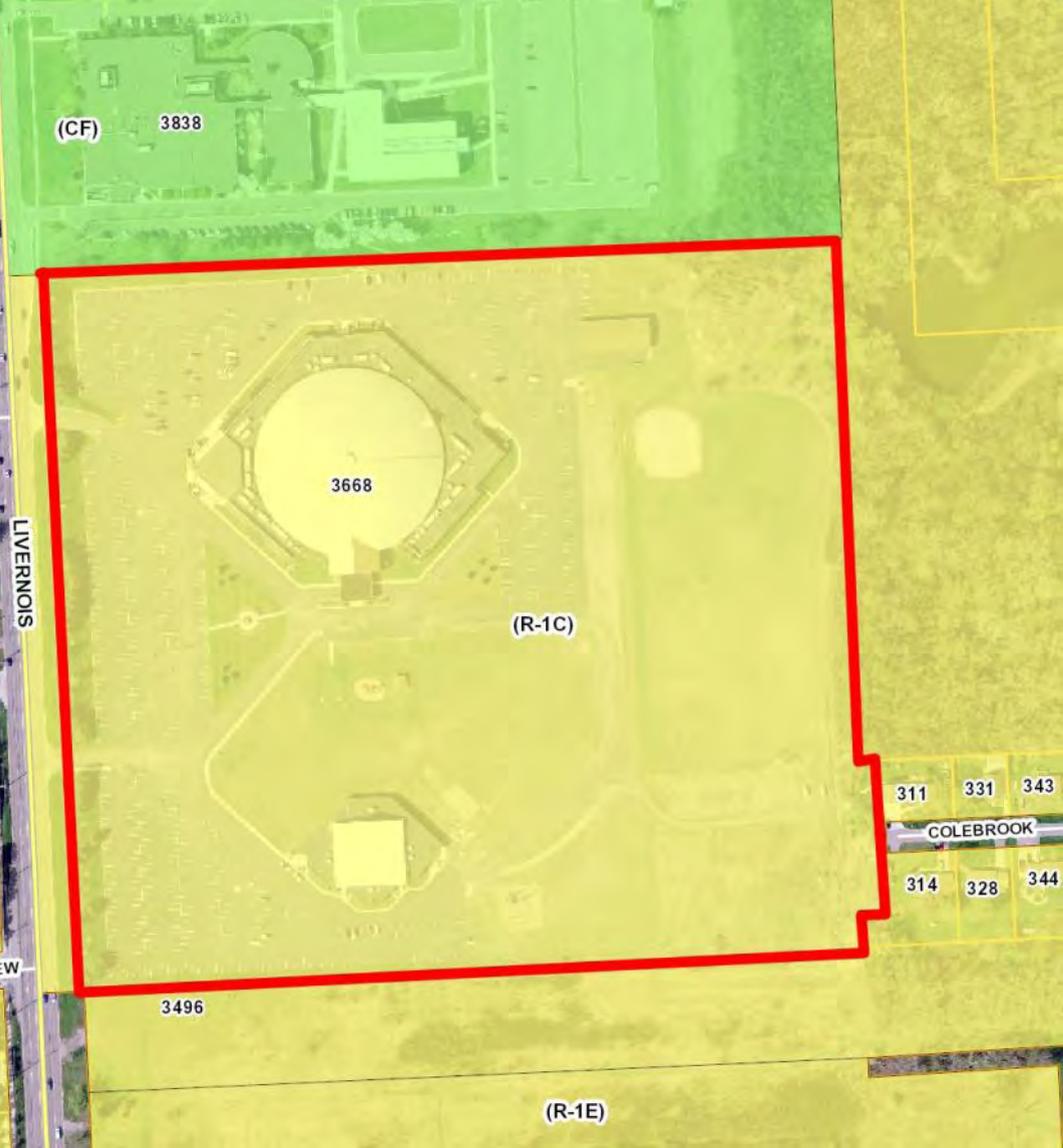
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ZONING BOARD OF APPEALS APPLICATION

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: 3668 LIVERNOIS RD
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-22-101-034
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 7.13
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: TROY FAMILY DAZE SEPT. 15-18 2011
6. APPLICANT INFORMATION:
NAME PASTOR SCOTT MORGAN
COMPANY ZION CHRISTIAN CHURCH
ADDRESS 3668 LIVERNOIS
CITY TROY STATE MI ZIP 48083
TELEPHONE 248-524-2400 X 220
E-MAIL SCOTT.MORGAN@ZIONCHRISTIAN.ORG

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: CHILDREN'S MINISTRY PASTOR

8. OWNER OF SUBJECT PROPERTY:

NAME ZION CHRISTIAN CHURCH FOUNDATION

COMPANY _____

ADDRESS 3668 LIVERNOIS

CITY TROY STATE MI ZIP 48063

TELEPHONE 248-524-2400 X 228

E-MAIL RICHARD.RAMSDELL@ZIONCHRISTIAN.ORG

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, ZCC FOUNDATION (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 Scott Morgan DATE 8/29/11

PRINT NAME: PASTOR SCOTT MORGAN

SIGNATURE OF PROPERTY OWNER Richard J. Ramsdell DATE 8/29/11

PRINT NAME: RICHARD L. RAMSDELL

ON BEHALF OF ZION CHRISTIAN CHURCH FOUNDATION



August 29, 2011

City of Troy Planning Department
500 W. Big Beaver Road
Troy, MI 48084

Zion Christian Church has been holding the Fall Harvest event at the church once each year for many years. The hours for the event have been 6:00 PM to 9:00 PM each time, and there have been no problems or issues that have arisen. We will not be able to proceed with the event if we can't maintain the same hours.

Thank you for your consideration.

Respectfully,

Richard L. Ramsdell
Business Administration Executive
Zion Christian Church



October 3, 2011

City of Troy
Zoning Board of Appeals
500 W. Big Beaver
Troy, MI 48084

Re: Variance Request, Zion Christian Church
Fall Harvest Festival

The variance requested by Zion Christian Church is to allow our Fall Harvest Festival to last until 9:00 PM on October 31st. The church has held this Fall Harvest event between 6:00 PM and 9:00 PM on Halloween night for the past 17 years, without any adverse impact on the neighborhood or the community. This event represents a normal activity level when compared to our on-going church activities. The impact on the surrounding area is no greater than when we hold late evening services, or play softball or soccer on the athletic fields, in terms of cars arriving/leaving, noise levels, parking, lighting, etc. Our physical location and layout is such that it is unlikely any of our neighbors will even notice that a special event is occurring on the property that night. Physical distances and lines of sight are such that someone would probably have to come onto the property to be able to see or hear any evidence of the event.

Not being able to have the event last until 9:00 PM will present a practical difficulty for the families who are most likely to attend. Many family members don't get home from work until 6:00 PM or later, making it likely they cannot get to the festival until 7:00 PM at the earliest. Having the event last only until 8:00 PM makes attendance impractical for many families, and would significantly diminish the community benefit of the event. This is a Halloween night event, with Halloween falling on a Monday in 2011. It is our desire to make a night of games, candy and contests available to as many families as possible. Event hours from 6:00 PM to 9:00 PM will make it practical for families to come and to stay for a reasonable amount of time.

Granting of the variance has no impact on the property or the surroundings in a physical sense, and will not impact the neighbors or the community at large in any noticeable way.

We seek your approval for the one hour variance to allow us to avoid the practical difficulties presented by the 8:00 PM ordinance requirement. Thank you for your consideration.

Respectfully,

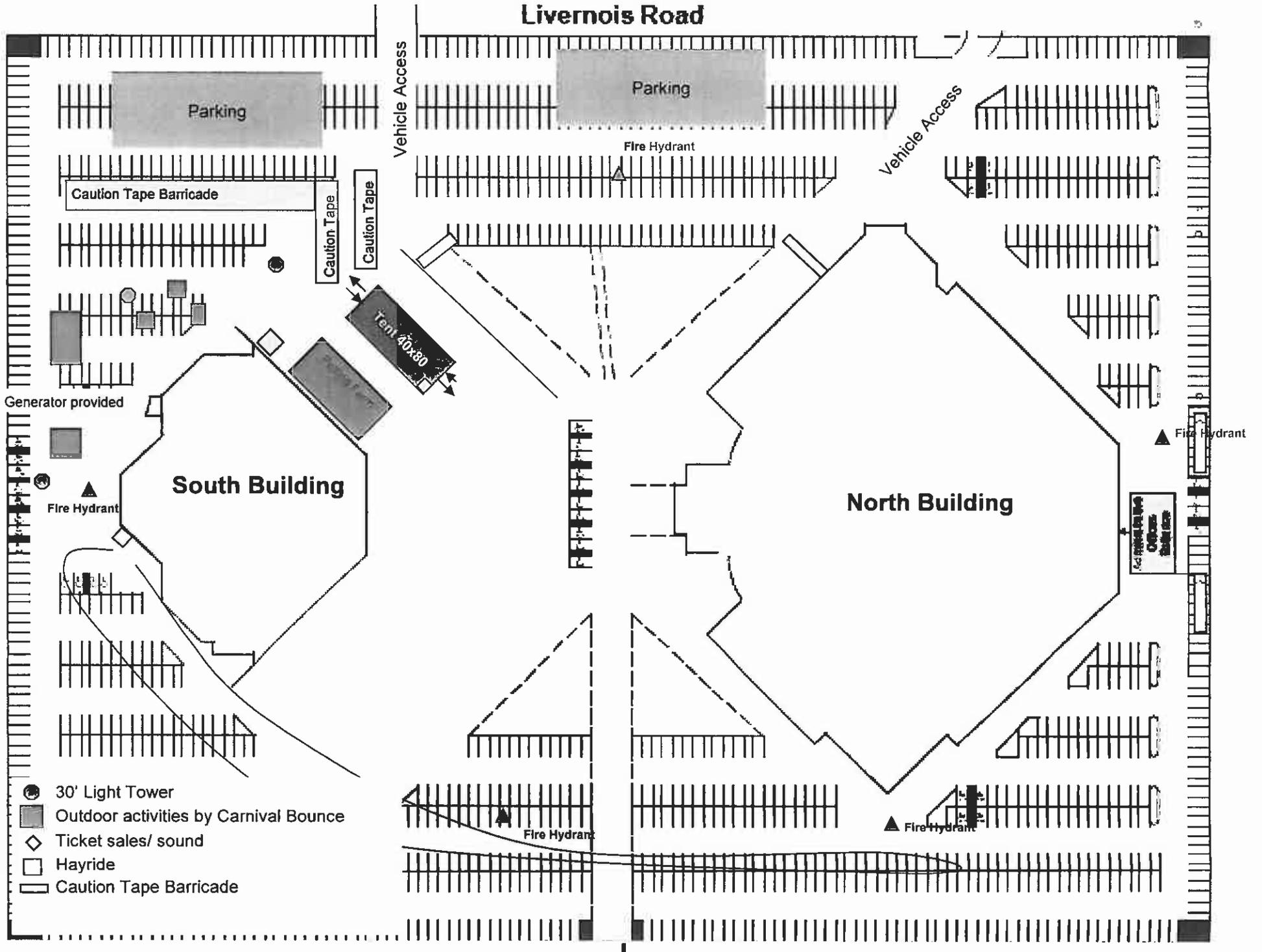
Pastor Scott Morgan
Children's Pastor

Richard L. Ramsdell
Business Administration Executive

3668 LIVERNOIS TROY MI 48083 PHONE 248.524.2400 FAX 248.524.1408 WEBSITE www.zionchristian.org

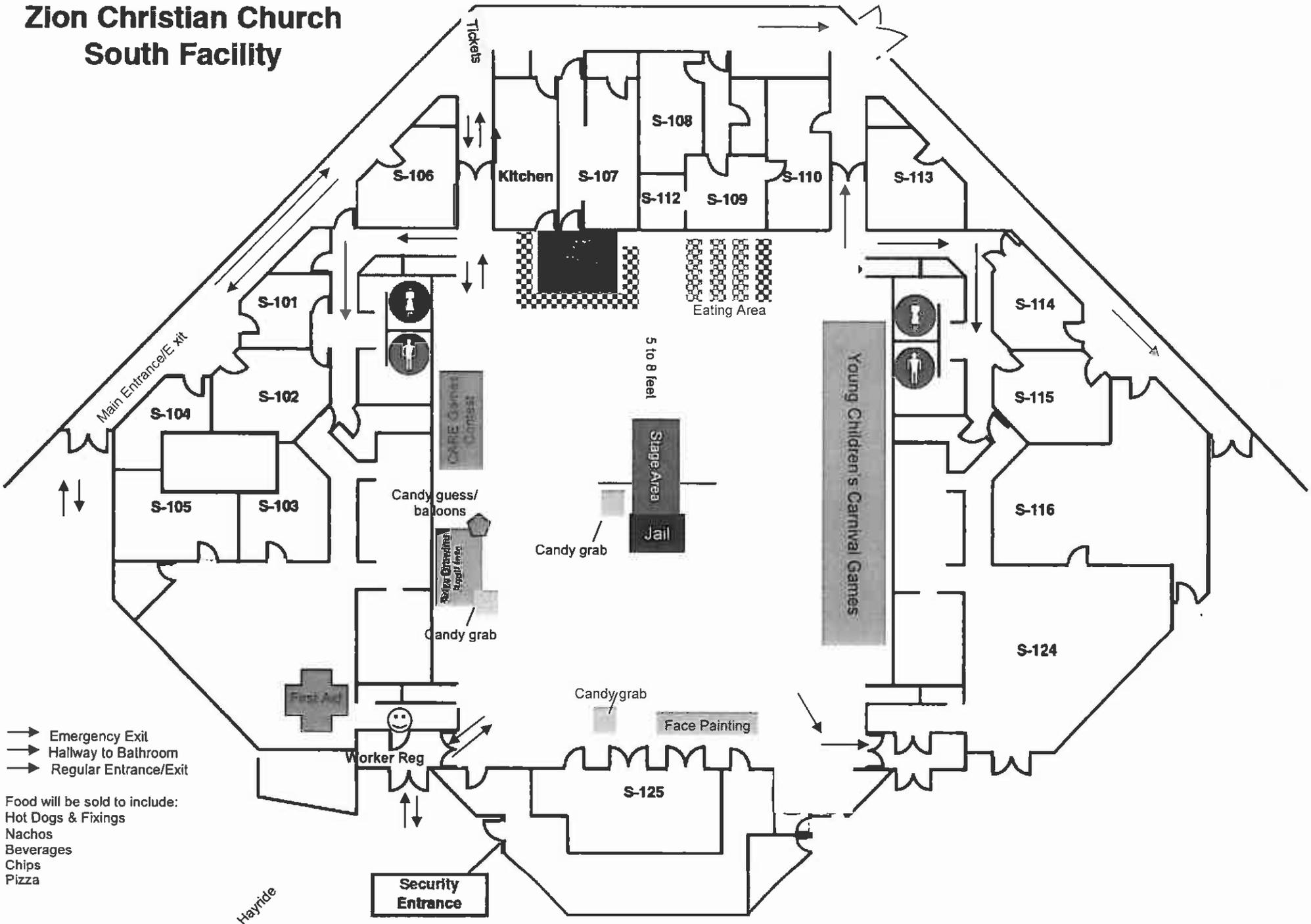
ZCC Fall Harvest Festival, Oct 31, 2011

Livernois Road



- 30' Light Tower
- Outdoor activities by Carnival Bounce
- ◇ Ticket sales/ sound
- Hayride
- ▨ Caution Tape Barricade

Zion Christian Church South Facility



- Emergency Exit
- Hallway to Bathroom
- Regular Entrance/Exit

Food will be sold to include:
 Hot Dogs & Fixings
 Nachos
 Beverages
 Chips
 Pizza

Hayride

ZCC Fall Harvest Festival Event October 31, 2011

Vision and Purpose:

To provide the community with an alternative to Halloween for families to enjoy wholesome, positive and fun-filled entertainment

To provide an outreach event which draws new families who are looking for a church home

To provide a time of fellowship and an opportunity for unified effort for the volunteers and members of Zion & the surrounding community

Offerings for the event:

We will offer carnival type games in both the gym and in the tent to be erected outside the gym for kids to play.

We will distribute candy to children who attend as rewards to games as well as general distribution.

We will provide a petting farm/pony ride experience.

We will provide outdoor activities including a variety of inflatables.

We will offer concessions inside the gym using the kitchen in the gym as our base for the food prep.

We will also host prize drawings, a costume contest, face painting and other activities in the gym over the course of the evening.

Additionally we offer a small hay ride for those who want to sit a few minutes with their kids as they ride on the hay trailer around our property.

Trash, Traffic and Restrooms:

Trash will be collected in containers strategically placed both inside and outside the gym. These will include containers close to the food area but also containers scattered around the activity areas for those who might need them.

Traffic flow will be altered so that no vehicular traffic will be allowed near pedestrian or game areas. Parking will be on the west side of the parking area around the gym, closest to the west berm. Additional parking toward the North building will also be used.

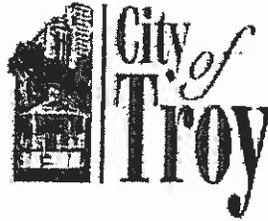
Traffic flow will be managed by security personnel and by the use of cones or orange construction fencing which will provide a barrier around areas that require protection such as pedestrian traffic areas and game areas.

No regular traffic will be allowed behind the gym building.

Restrooms are available inside the gym building on either side of the gym area (2 for men, 2 for women). These will be monitored through the evening for supply and cleanliness.

CITY OF TROY OUTDOOR SPECIAL EVENT APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER
TROY, MICHIGAN 48084
248-524-3364
FAX: 248-524-3382
E-MAIL: planning@troymi.gov



SPECIAL EVENT FEE: (\$25.00)

1. NAME OF THE PROPOSED EVENT: ZCC Fall Harvest Festival

2. LOCATION OF THE SUBJECT EVENT: Zion Christian Church

3. PROPERTY IDENTIFICATION NUMBER: _____

4. APPLICANT FOR SPECIAL EVENT APPROVAL:

NAME Scott Morgan
COMPANY ZCC
ADDRESS 3668 Livernois Rd
CITY Troy STATE MI ZIP 83
TELEPHONE 248-524-2400 X 220
E-MAIL scott.morgan@zionchristian.org

OWNER OF THE SUBJECT PROPERTY:

NAME _____
COMPANY Zion Christian Church Foundation
ADDRESS 3668 Livernois Rd
CITY Troy STATE MI ZIP 83
TELEPHONE 248-524-2400
E-MAIL richard.ramsdell@zionchristian.org

5. DATE(S) OF EVENT: October 31, 2010 FROM: 6pm AM/PM TO: 9pm AM/PM

6. WILL TENTS BE ERECTED?
(IF YES, SEE ATTACHMENT FROM FIRE DEPARTMENT) YES: X NO: _____

7. WILL FOOD BE SOLD/SERVED?
(IF YES, CALL OAKLAND COUNTY HEALTH DIVISION @ 248-424-7190) YES: X NO: _____

8. TEMPORARY LIGHTING OR ELECTRICAL?
(IF YES, OBTAIN ELECTRICAL PERMIT AND ARRANGE INSPECTION WITH TROY BUILDING DEPARTMENT 248 524-3344) YES: X NO: _____

9. ADDITIONAL SIGNS?
(IF YES, OBTAIN SIGN PERMIT) YES: _____ NO: X

10. SIGNATURE OF APPLICANT _____ DATE _____

11. SIGNATURE OF PROPERTY OWNER _____ DATE _____

Property: Zion Christian Church

Parcel Number: 88-20-22-101-034

Legal Description: T2N, R11E, SEC 22 SW ¼ OF NW ¼ EXC S 5 ACRES, ALSO EXC THAT PART PLATTED INTO "SUPERVISOT'S PLAT NO. 6", ALSO EXC W 60 FT THEROF TAKEN FOR LIVERNOIS RD, ALSO EXC BEG AT NW COR OF 'CLOVERDALE FARMS', TH S 89-44-00 W 15 FT, TH S 00-33-00 W 136 FT, TH N 90-44-00 E 15 FT, TH N 00-33-00 W 136 FT TO BEG 33.38 A 4-15-98 FR 031

Containing 35.56 Acres

FROM: Margaret Kenny
Kenny & Co.
40695 W. 13 Mile Rd.
Novi, MI 48377
248-624-3443 248-669-1793 fax

TO: Susan Wahid
Children's Ministry Administrator
Zion Christian Church
3668 Livernois
Troy, MI 48083
248-524-2400 248-524-1408 fax

Attached you will find the fire retardant certificates that are needed for the City of Troy – the Outdoor Special Event permit.

In addition, we have the other items that you will need for your event, the tent with sidewalls, ticket drum, cotton candy machine, and 2 large coolers.

I am also sending to you via USPS our brochure and price list, and pics of our cotton candy machine, (it's cool!) and peddler's cart (ice cream carts w/ bicycles), old fashioned popcorn machines, sno-kone machines, we even have moonbounces and air-buddys.

Thanks for your patience and understanding in my time of sorrow,

Maggie

Certificate of Flame Resistance

REGISTERED
FABRIC
NUMBER

F-140.01

ISSUED BY
JOHNSON WORLDWIDE ASSOCIATES, INC.
BINGHAMTON, NEW YORK 13902
*Manufacturers of the Finest
Tent Products Described Herein*

Date of Manufacture
MARCH 1996

This is to certify that the products herein have been manufactured from material inherently flame retardant as here after specified by the material supplier.

NAME: KENNY & CO.

CITY NOVI STATE MI

Certification is hereby made that:

The articles described on this certificate have been manufactured with an approved flame retardant chemical in compliance with California State Fire Marshal Code, NFPA-701*, Underwriters Laboratory of Canada, and have been tested in accordance with the Federal Test Method Specifications and meet or exceed the Military Flame Specifications of MIL-C-43006G.

Type, color and weight of material: 12 OZ Vinyl RED/WHITE

Description of item certified: PARTY CANOPY 40 X 40

**Flame Retardant Process Used Will Not Be Removed By Washing And
Is Effective For The Life Of The Fabric**

Snyder Manufacturing, Inc.

Manufacturer of Flame Retardant Vinyl Laminates


TENT DEPARTMENT, JOHNSON WORLDWIDE ASSOCIATES, INC.

* Large Scale

Certificate of Flame Resistance

REGISTERED
FABRIC
NUMBER

F-140.01

ISSUED BY
JOHNSON WORLDWIDE ASSOCIATES, INC.
BINGHAMTON, NEW YORK 13902
*Manufacturers of the Finest
Tent Products Described Herein*

Date of Manufacture
MARCH 1997

This is to certify that the products herein have been manufactured from material inherently flame retardant as here after specified by the material supplier.
KENNY & CO.

NAME: _____
CITY NOVI STATE MI

Certification is hereby made that:

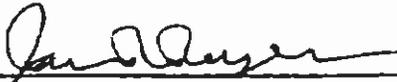
The articles described on this certificate have been manufactured with an approved flame retardant chemical in compliance with California State Fire Marshal Code, NFPA-701*, Underwriters Laboratory of Canada, and have been tested in accordance with the Federal Test Method Specifications and meet or exceed the Military Flame Specifications of MIL-C-43006G.

Type, color and weight of material: 12 OZ Vinyl RED/WHITE

Description of item certified: PARTY CANOPY 20' MID

**Flame Retardant Process Used Will Not Be Removed By Washing And
Is Effective For The Life Of The Fabric**

Snyder Manufacturing, Inc.
Manufacturer of Flame Retardant Vinyl Laminates


TENT DEPARTMENT, JOHNSON WORLDWIDE ASSOCIATES, INC.

* Large Scale

Certificate of Flame Resistance

REGISTERED
FABRIC
NUMBER

F-140.01

ISSUED BY
JOHNSON WORLDWIDE ASSOCIATES, INC.
BINGHAMTON, NEW YORK 13902
*Manufacturers of the Finest
Tent Products Described Herein*

Date of Manufacture
MARCH 1998

This is to certify that the products herein have been manufactured from material inherently flame retardant as here after specified by the material supplier.
KENNY & CO.

NAME: _____
CITY NOVI STATE MI

Certification is hereby made that:

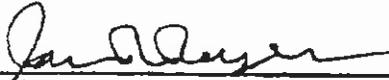
The articles described on this certificate have been manufactured with an approved flame retardant chemical in compliance with California State Fire Marshal Code, NFPA-701*, Underwriters Laboratory of Canada, and have been tested in accordance with the Federal Test Method Specifications and meet or exceed the Military Flame Specifications of MIL-C-43006G.

Type, color and weight of material: 12 OZ Vinyl RED/WHITE

Description of item certified: PARTY CANOPY 20' MID

**Flame Retardant Process Used Will Not Be Removed By Washing And
Is Effective For The Life Of The Fabric**

Snyder Manufacturing, Inc.
Manufacturer of Flame Retardant Vinyl Laminates


TENT DEPARTMENT, JOHNSON WORLDWIDE ASSOCIATES, INC.

* Large Scale

From: rayrictroy@aol.com
To: [Planning](#)
Subject: Notice of Public Hearing
Date: Monday, October 03, 2011 10:04:07 PM

I Raymond A. Richard of 344 Colebrook Dr. Troy Mi. see no problem with granting a Variance to the Zion Christian Church for the outdoor special event on October 31, 2011. 

Thank You.