

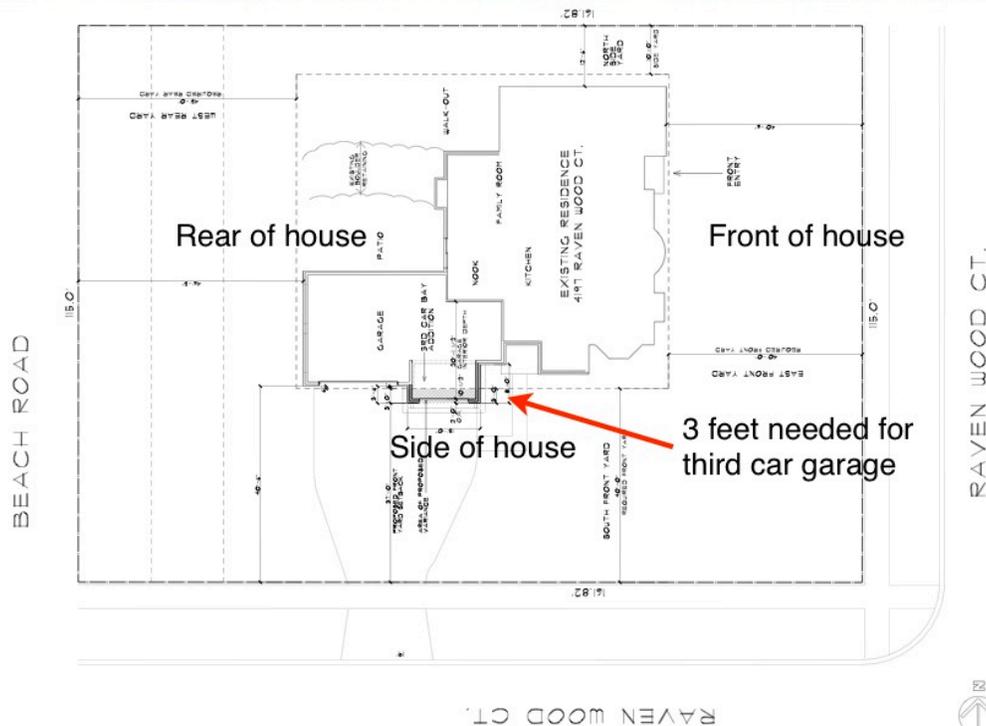
Hearing Date: May 21, 2013

C. VARIANCE REQUEST, JEFFREY AND KRISTA FALK, 4197 RAVENWOOD COURT – In order to enlarge the garage, a 3 foot variance to the required 40 foot front yard setback. ZONING ORDINANCE SECTION: 4.06 (C) R1-B Zoning District

This variance was approved by a 7 to 0 vote.

Thoughts to review:

Please review setback requirements for corner lots. This is another request for a corner lot, but this property has three front yards by Ordinance definition. This house does not have a rear yard and only one side yard. The front door faces Ravenwood Court on the east side of the property, the front of the house complies with the front yard setback. The garage faces the south leg of Ravenwood Court which is the side of the house and would not need a variance if that side were defined as a side yard. The owner needed a 3 foot variance in the south front yard (bottom of image below) to allow for a three car garage similar to others in the neighborhood.



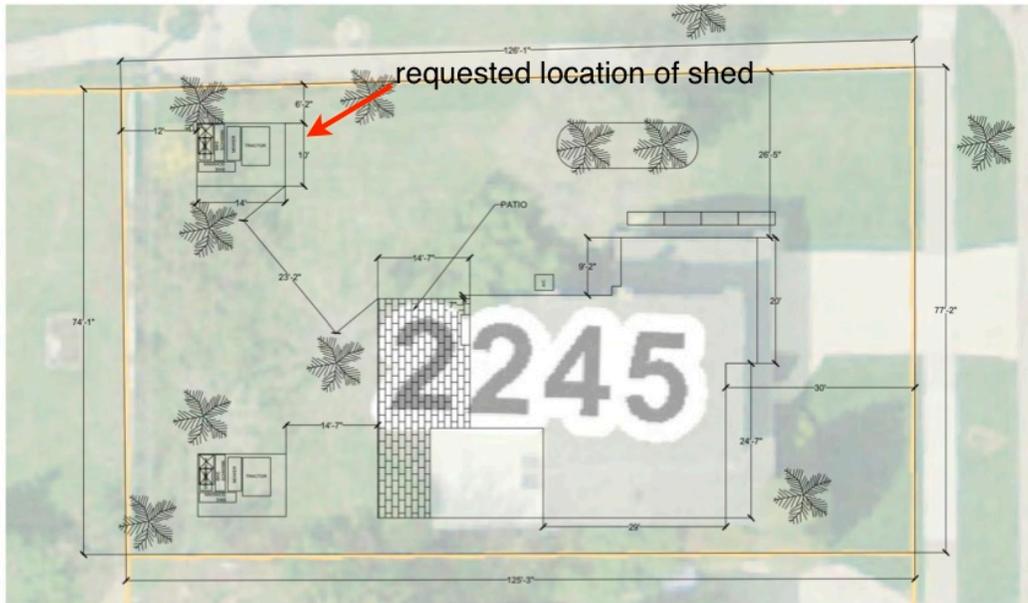
Hearing Date: October 15, 2013

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)**

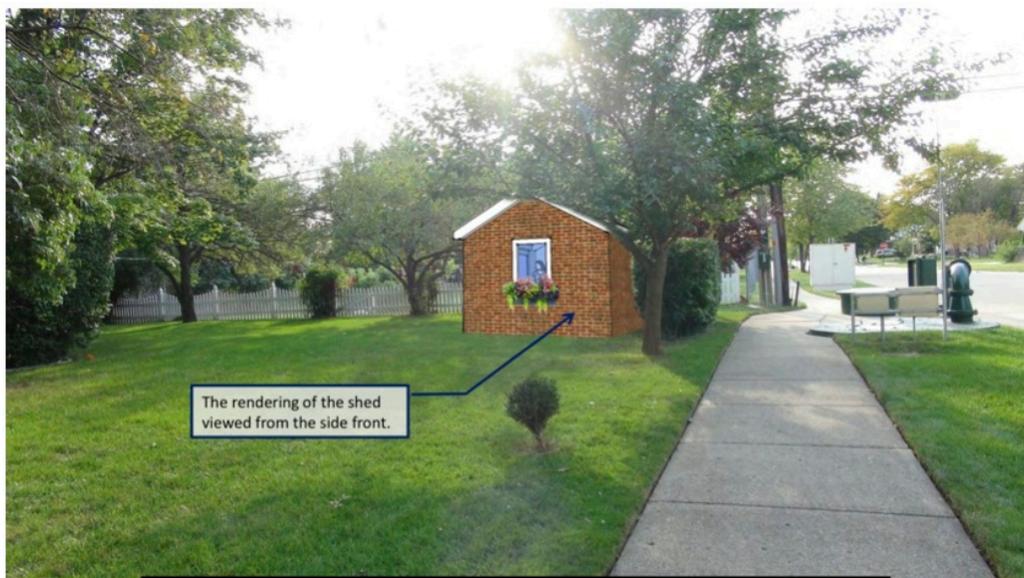
This variance was approved by a 7 to 0 vote.

Thoughts to review:

Please review setback requirements for corner lots. This is another request for a corner lot with two front yards. Corner lots have two front yards which require larger setbacks for sheds and other structures in the back yards of these lots.



2245 Alexander Dr., Troy, MI



The rendering of the shed viewed from the side front.

Location of the proposed shed does not represent any harm or danger for adjacent property. It is not going to pose any congestion on public streets or side walks or public safety. By contrary, is going to provide me some health protection and comfort, beside the storage space I need.

Hearing Date: October 15, 2013

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.

This variance was denied by a 6 to 1 vote.

Thoughts to review:

A porch without a roof is allowed to encroach 10 feet into the front yard setback as long as it is not covered by a roof. Troy has a lot of 1960's style houses. This request provided a welcome upgrade to this dated architectural design, but covering the porch with a roof would make it non-compliant with the current Troy Zoning Ordinance. Maybe we should modify setback requirements to allow roofs over porches that encroach front yard setbacks.

Section 7.08 B. Decks, Porches, and Patio Structures. An open, unenclosed, and uncovered porch, raised deck, or patio structure, or paved terrace may project into a required front yard for a distance not to exceed ten (10) feet. Such facilities may project into a required rear yard for a distance not to exceed fifteen (15) feet, subject further to the requirement that the distance remaining between the encroaching facility and the rear lot line shall in no instance be less than twenty-five (25) feet. Porch, deck, patio, or terrace facilities encroaching into required front or rear yards shall not include fixed canopies, gazebos or permanent enclosures, and shall be at a grade no higher than that of the first or main floor of the building to which they are attached.



Existing front of house with covered porch



Front porch renovation that was denied under our current Zoning Ordinance

Hearing Date: December 17, 2013 and January 21, 2014

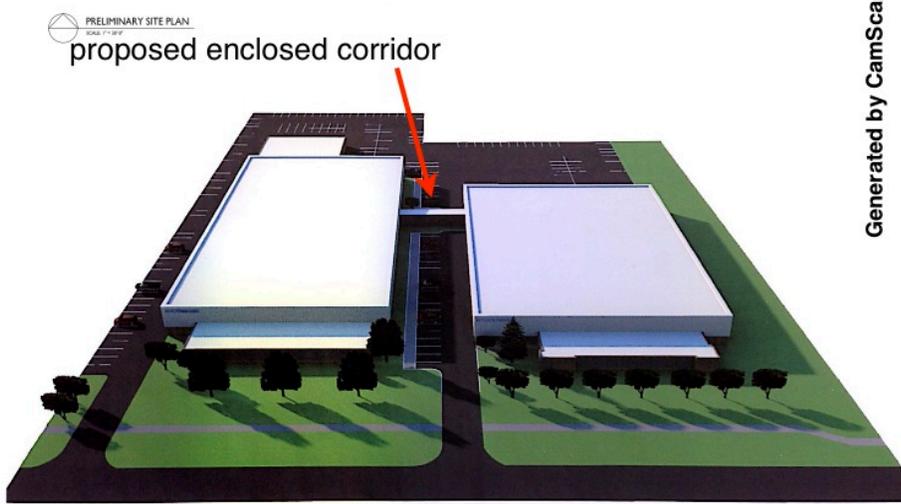
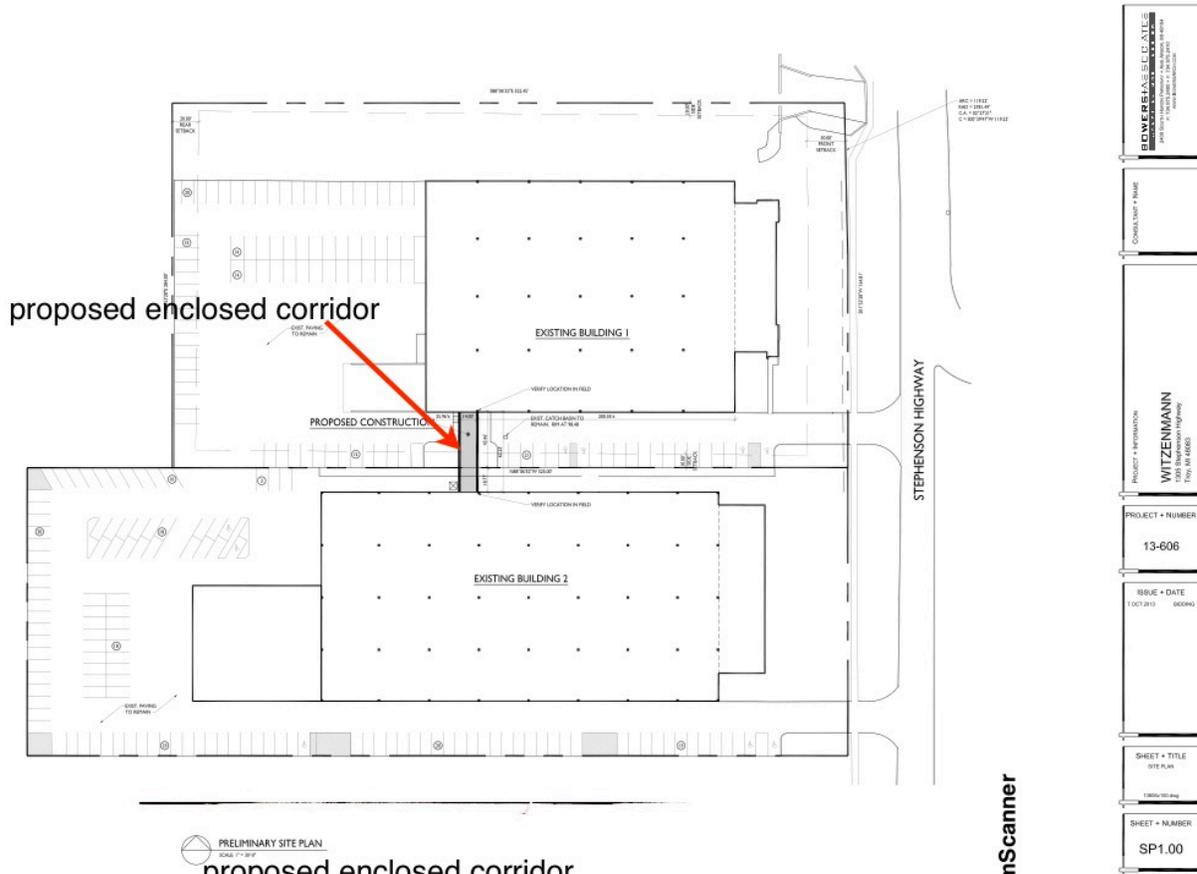
A. VARIANCE REQUEST, MARVIN PISARCZYK for WITZENMANN USA, 1201 and 1305 STEPHENSON HIGHWAY

In order to construct an addition to both buildings that will connect the buildings, a 10 foot variance to the required minimum 10 foot side yard setback. This variance is needed for both properties.

This variance was approved by a 7 to 0 vote.

Thoughts to review:

The owner of a business occupies two adjacent buildings that are owned by two different entities (an individual and a company). All parties agreed that it would be best for all if the buildings were connected by an enclosed corridor. There is no provision in our ordinance that will allow this.



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Hearing Date: December 17, 2013 and January 21, 2014

B. VARIANCE REQUEST, BRANDON MULLER for CLARK HILL PCL, 268-388 JOHN R – In order to construct parapet walls, a 5 foot variance to the required maximum 30 foot height limit.
ZONING ORDINANCE SECTION: 4.13 (C) CB Zoning District

This variance was approved by a 7 to 0 vote.

Thoughts to review:

Before the 2011 update to the Troy Zoning Ordinance took effect, a building height limit of 35 feet was allowed in this Zoning District. Other buildings on adjacent properties in this district have building heights of 34'-8", 32'-4" and other heights over 30 feet but less than 35 feet. When the owner of this property wanted to improve the appearance of the buildings and increase the building parapet wall to 35 feet, he could not do so under the Ordinance approved in 2011. The owner purchase the building in 2007 when the 35 foot height was allowed. The buildings are set back 670 from the front property line on John R. Road.



Hearing Date: December 17, 2013 and January 21, 2014

C. ZONING ORDINANCE INTERPRETATION, 4924 ROCHESTER – To interpret whether the proposed principal use of property constitutes a community center, a club, place of worship, or some other use under the City’s Zoning Ordinance.

ZONING ORDINANCE SECTION: 15.04 (B and D)

The ZBA voted 5 to 2 that the use of the property was a “Place of Worship”.

To reach this vote, the five members voting that this would be a “Place of Worship” relied on the written statements offered by the organization wishing to occupy the building at 4924 Rochester Road.

The organization, ADAM Community Center, filed their “**State of Michigan Nonprofit Corporate Information Update**” on September 24, 2013, and on that form, under the heading “**Describe the purpose and activities of the corporation during the year covered by this report**”, they entered “**Worship Place**”.

The president of ADAM Community Center, Dr. Knurl Amin, submitted a letter dated September 30, 2013 to Mark Miller, Troy Director of Economic & Community Development, and Brent Savidant, Troy Planning Director. That letter listed activities that this organization engages in under the heading, “**PROPOSED USES OF THE FACILITY**” and subheading “Some of the Discussion Topics were”. Under that subheading there are 32 bullet points. Fourteen of those bullet points listed Imams as speakers, four said the text used was the Quran, and all 32 bullet points were about Islamic religion.

Thoughts to review:

- 1) Is the current definition of “Place of Worship” applicable to all religions? The current definition states the following. **PLACE OF WORSHIP: A site used for or intended for the regular assembly of persons for conducting of religious services and accessory uses therewithin.** Some religions do not hold “regular assemblies of persons for conducting religious services”. That language may have been created as relevant to Judeo-Christian religions. The Islamic religion does not necessarily hold religious “services” on a “regular” bases as in Judeo-Christian religions. Islamic beliefs focus on the individual praying to their god on an individual basis and not as a group during a service. It would be helpful if members of the Troy Interfaith Group provided input as to how we define “Place of Worship”.
- 2) The organization, ADAM Community Center, wished to define themselves as a “Community Center”. The current Troy Zoning Ordinance does not provide a definition of “Community Center”. Are Islamic “Community Centers” a place for mostly Islamic religious activities? Do we define “Community Center” as a place for all members of our Troy community to gather and participate in community activities? It would be helpful if we received input from Islamic leaders as to the difference between Mosques and Islamic Community Centers.
- 3) The current Troy Zoning Ordinance requires that “Places of Worship” have a 50 foot setback for front, side, and rear yards. Should this setback requirement be altered? There may be religious services held in private homes in Troy on a regular basis. Are those people in violation of our Ordinance requirement of a 50 foot setback? Those places of worship are usually not on major or minor arterial roads, another requirement for “Places of Worship” under Section 6.21.

4) The Troy Zoning Ordinance provides the “Primary Uses and Character” of each Neighborhood Node. The Neighborhood Node L for the intersection of Rochester Road and Long Lake Road states, *“Intersections L, M, and U should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.”* Interestingly, no mention of including “Places of Worship” is listed for this Neighborhood Node L.

Neighborhood Node O does state, *“...New development or redevelopment should complement the churches and limited commercial uses in the area...”* So, it appears that some Neighborhood Nodes list churches as an element.

In Section 5.06 of our Ordinance, under A. Intent, the text states, *“Neighborhood Nodes are meant to serve as the core of the “economic neighborhoods” of Troy identified in the Master Plan.”* Do “Places of Worship” and “Community Center” meet that intent as the core of the “economic neighborhoods” definition?