

ZONING BOARD OF APPEALS

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

PROCEDURE

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

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

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

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

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

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



ZONING BOARD OF APPEALS MEETING AGENDA

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

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

August 19, 2014

7:30 P.M.

Council Chamber

1. ROLL CALL
2. APPROVAL OF MINUTES – July 15, 2014
3. APPROVAL OF AGENDA
4. HEARING OF CASES
 - A. VARIANCE REQUEST, MUAREM ARLLAI, 4205 CROOKS – In order to split a parcel into two parcels, a .05 foot variance to the requirement that newly created parcels measure at least 100 feet in width. One of the parcels is proposed to measure 99.95 feet in width.

ZONING ORDINANCE SECTION: 4.06 (C) R-1B Zoning District
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.

On July 15, 2014, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chairman Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Bruce Bloomingdale
Glenn Clark
Kenneth Courtney
David Eisenbacher
Orestis Kaltsounis
Allen Kneale
Thomas Krent

Absent:

David Lambert

Also Present:

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

2. APPROVAL OF MINUTES – June 17, 2014

Moved by Courtney
Seconded by Krent

RESOLVED, to approve the June 17, 2014 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

A. VARIANCE REQUEST, JON FEIKENS FOR NORTH HILLS CHRISTIAN REFORMED CHURCH, 3150 ADAMS – In order to construct a shed, a 22 foot variance to the requirement that front, side and rear setbacks be a minimum of 50 feet. ZONING ORDINANCE SECTION: 6.21 (E)

Moved by Courtney
Seconded by Eisenbacher

RESOLVED, to grant the request provided that trees be installed to screen the view of the shed and dumpster enclosure from the driveway of 3216 Adams, as described by the petitioner.

Yes: All

MOTION PASSED

- B. VARIANCE REQUEST, SAMARESH AND RACHNA SHARAN, 4071 SEYMOUR –
In order to construct an addition to the house, a 15 foot setback variance to the
required 45 foot rear yard setback. ZONING ORDINANCE SECTION: 4.06 (C) R1-B

Moved by Courtney
Seconded by Krent

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – Mr. Evans invited the Board members and their families to the
City of Troy Employee Family Pool Party, August 14.
6. MISCELLANEOUS BUSINESS – None
7. PUBLIC COMMENT – None
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:29 pm.

Respectfully submitted,

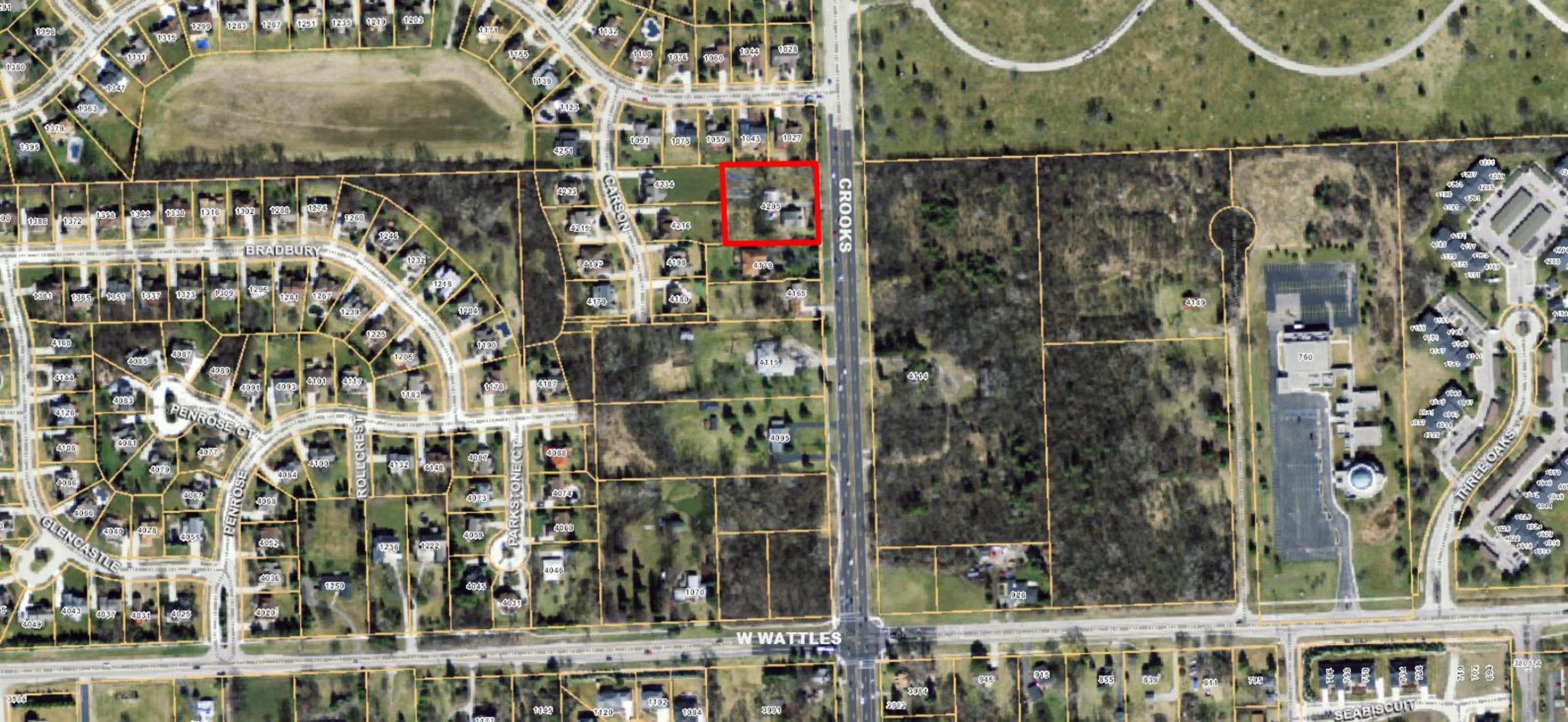
Glenn Clark, Chairman

Paul Evans, Zoning and Compliance Specialist

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- A. VARIANCE REQUEST, MUAREM ARLAI, 4205 CROOKS – In order to split a parcel into two parcels, a .05 foot variance to the requirement that newly created parcels measure at least 100 feet in width. One of the parcels is proposed to measure 99.95 feet in width.

ZONING ORDINANCE SECTION: 4.06 (C) R-1B Zoning District





1139

1123

4251

1091

1075

1059

1043

1027

4233

4234

4205

4215

4216

4197

4198

4179

4179

4180

4165



1139

1123

4251

4233

4215

4197

4179

1091

1075

1059

1043

1027

4234

(R-1B)

4205

4216

4198

4180

4179

4165

(R-1B)

ZONING BOARD OF APPEALS APPLICATION

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



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

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

1. ADDRESS OF THE SUBJECT PROPERTY: _____

2. PROPERTY TAX IDENTIFICATION NUMBER(S): _____

3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: _____

4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: _____

5. APPLICANT:

NAME _____

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

E-MAIL _____

AFFILIATION TO THE PROPERTY OWNER: _____

6. PROPERTY OWNER:

NAME _____

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

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

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

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

APPLICANT SIGNATURE _____ DATE _____

PRINT NAME: _____

PROPERTY OWNER SIGNATURE _____ DATE _____

PRINT NAME: _____

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

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

STATEMENT OF PRACTICAL DIFFICULTY

In order for a variance to be granted, a practical difficulty, as determined by the Board, must be present. On a separate sheet, please clearly identify and explain the practical difficulty justifying the variance request. The practical difficulty must be clearly related to as many of the 5 standards below as possible:

- 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 APPLICATION CHECKLIST

Please provide 2 paper application packages containing the following

- ✓ Completed application
- ✓ Statement of practical difficulty see page 3.
- ✓ Plot plan or survey showing property lines, existing and proposed buildings, their dimensions and locations (height, length, width, as applicable).
- ✓ Setbacks from property lines
- ✓ Elevation drawings
- ✓ Photos as necessary to accurately describe the request including existing and proposed property conditions
- ✓ Any other information that explains the request.
- ✓ Minimum size of all documents 8.5" x 11".
- ✓ A digital version of all application pages. E-mail, jump drive, or compact disc is acceptable.

July 22, 2014

Statement of Difficulty

Paul Evans, Planner at City of Troy,

This lot is from an old subdivision. Some of the lots had a slightly irregular shape. Our lot was 199.77 ft. in the front and 203.43 ft. in the rear. The city has taken the front 33 ft. for road. The rear 350 ft. was sold many years ago and created into a subdivision called "Woodlands of Troy No. 4". The property to the North is a subdivision called "Merihill Acres Sub."

The two subdivisions listed above do not have 100 ft. width lots. They have mostly 95 ft. wide lots.

Our lot width at the street right of way line is 199.93 ft. record distance and 199.66 ft. measured distance. The distance at the 40 ft. setback line is 100.00 ft. for the North Parcel and 99.95 ft. for the South Parcel. The shortage is only 1/2". A person would not be able to tell the property is not 100.00 ft. from any of the surrounding properties. The area of both parcels we are trying to create well exceed the minimum area of 15,000 s.f. required.

Thank you for your consideration

Muarem Arllai

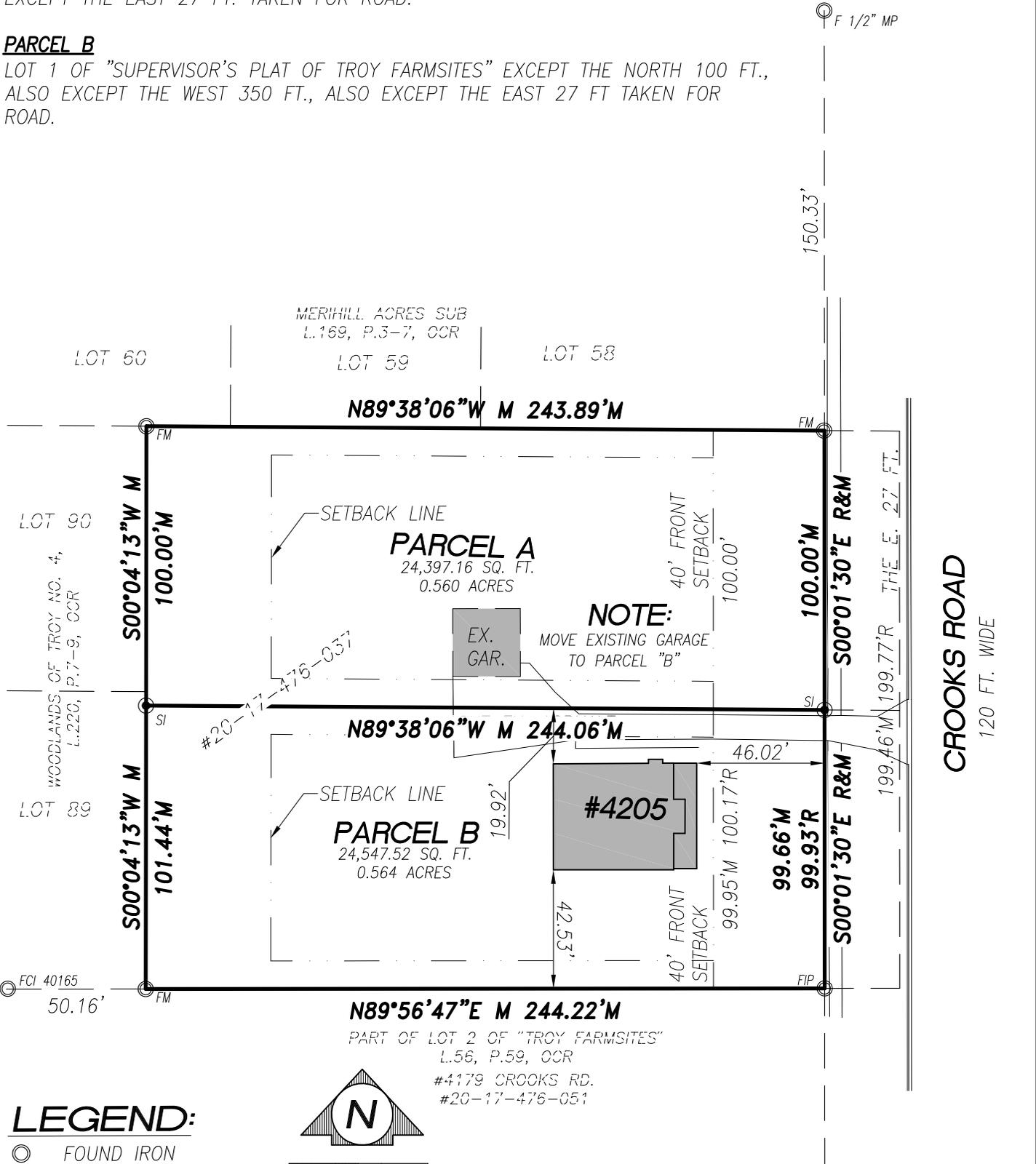
CERTIFICATE OF SURVEY

PARCEL A

THE NORTH 100 FT. OF LOT 1, EXCEPT THE WEST 350 FT. OF "SUPERVISOR'S PLAT OF TROY FARMSITES" A SUBDIVISION OF THE S. 1/2 OF THE S.E. 1/4 OF SECTION 17, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 56 OF PLATS, PAGE 59, OAKLAND COUNTY RECORDS, ALSO EXCEPT THE EAST 27 FT. TAKEN FOR ROAD.

PARCEL B

LOT 1 OF "SUPERVISOR'S PLAT OF TROY FARMSITES" EXCEPT THE NORTH 100 FT., ALSO EXCEPT THE WEST 350 FT., ALSO EXCEPT THE EAST 27 FT TAKEN FOR ROAD.



LEGEND:

- FOUND IRON
 - SET IRON
 - R RECORD DISTANCE
 - M MEASURED DISTANCE
- SCALE: 1" EQ. 50'

I HEREBY STATE THAT I HAVE SURVEYED AND MAPPED THE LAND PLATTED AND/OR DESCRIBED ABOVE ON JULY 21, 2014 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

BASIS OF BEARING: THE EAST LINE OF LOT 1 PER PLAT

PREPARED FOR:
 MUAREM ARLLAJ
 4205 CROOKS RD.
 TROY, MI 48098
 (586) 489-8138

SHEET: 1 OF 1

GEORGE H. REICHERT P.S. #30099

Scale: 1"=50'
 Date: 7/21/14
 Job No. 14-097
 Drawn: B.G.R.

REICHERT SURVEYING INC.
 140 FLUMERFELT LANE
 ROCHESTER, MICH. 48306
 P:(248) 651-0592 F:(248) 656-7099
 EMAIL:MAIL@REICHERTSURVEYING.COM



Date:	Rev. By:

PLOT PLAN

THE NORTH 100 FT. OF LOT 1 OF "SUPERVISOR'S PLAT OF TROY FARMSITES" A SUBDIVISION OF THE S. 1/2 OF THE S.E. 1/4 OF SECTION 17, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 56 OF PLATS, PAGE 59, OAKLAND COUNTY RECORDS, EXCEPT THE WEST 350 FT., ALSO EXCEPT THE EAST 27 FT. TAKEN FOR ROAD.

3 FULL WORKING DAYS
BEFORE YOU DIG CALL

811

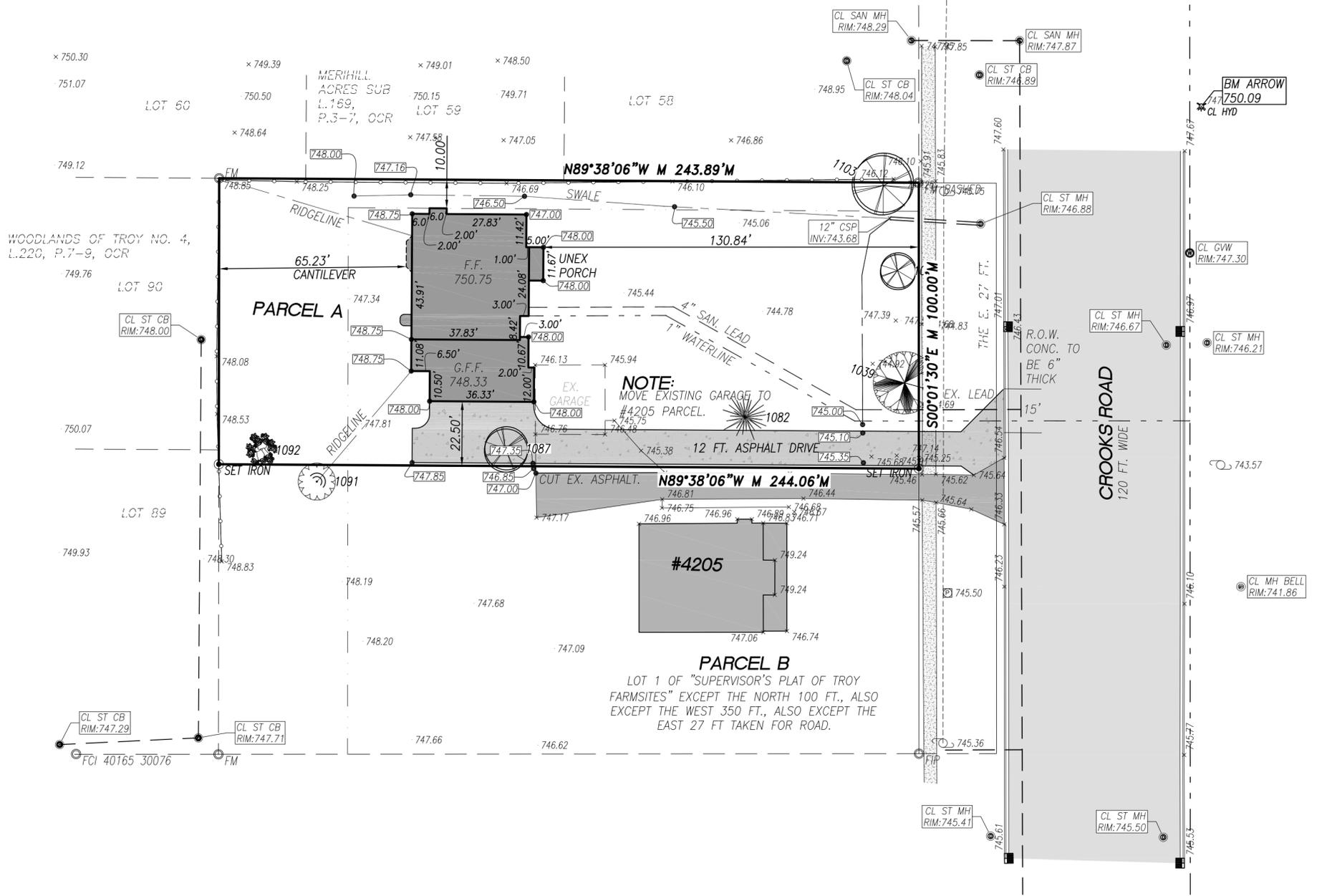
Know what's below
Call before you dig

MISSDIG System, Inc.
1-800-482-7171 www.missdig.net
(TOLL FREE)



0 15 30 60
SCALE: 1" EQ. 30'

REICHERT SURVEYING INC.
140 FLUMERFELT LANE
ROCHESTER, MI 48306
P: (248) 651-0592
F: (248) 656-7099
E-MAIL: MAIL@REICHERTSURVEYING.COM



LEGEND:

- FOUND IRON
- SET IRON
- R RECORD DISTANCE
- M MEASURED DISTANCE
- P PLAT DISTANCE
- CALC CALCULATED DISTANCE
- EXISTING GRAVEL
- EXISTING PAVER STONE
- EXISTING BUILDING
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING LANDSCAPED AREA
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATERMAIN
- EXISTING OVERHEAD WIRES
- EXISTING FENCE
- EXISTING UTILITY POLE
- EXISTING WATER SHUT OFF
- EXISTING GATE VALVE
- EXISTING HYDRANT
- EXISTING WELL
- EXISTING GAS SHUT OFF
- EXISTING SANITARY STRUCTURE
- EXISTING STORM STRUCTURE
- EXISTING DOWN SPOUT
- EXISTING UTILITY PEDESTAL
- EXISTING BOULDER RET. WALL
- EXISTING GRADE
- PROPOSED GRADE
- PROPOSED CONCRETE
- PROPOSED BUILDING
- PROPOSED SILT FENCE
- PROP. DRAINAGE ARROW

#	DESC.	ELEV.
1038	13" POPLAR	747.19
1039	22" OAK	746.91
1082	8" PINE	745.96
1087	16" POPLAR	747.11
1091	13" CHERRY	748.62
1092	12" APPLE	748.51
1103	22" POPLAR	745.89

BENCHMARK:
CITY BM: BM0585
ARROW ATOP FIRE HYDRANT #16-50 E/S
CROOKS @ SW CORNER WHITE CHAPEL
CEMETERY ELEV. 750.088 NAVD 88 DATUM

PREPARED FOR:
MUAREM ARLLAJ
4205 CROOKS
TROY, MI 48098
(586) 489-8138

LEGAL DESCRIPTION: THE N. 100 FT. OF LOT 1 OF "SUPERVISOR'S PLAT OF TROY FARMSITES" A SUBDIVISION OF THE S. 1/2 OF THE S.E. 1/4 OF SEC. 17, T.2N., R.11E., CITY OF TROY, OAKLAND CO., MICHIGAN AS RECORDED IN L. 56 OF PLATS, P. 59, OAKLAND CO. RECORDS, EXCEPT THE WEST 350 FT., ALSO EXCEPT THE EAST 27 FT. TAKEN FOR ROAD.

SEAL:

NO.	DATE	DESCRIPTION	BY

SCALE: 1"=30' DRAWN: B.G.R.
DATE: 6/23/14 CHECK: G.H.R.
JOB # 14-097 SHEET: 1 OF 1