

## 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](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

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

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**September 16, 2014**

**7:30 P.M.**

**Council Chamber**

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1. ROLL CALL
2. APPROVAL OF MINUTES – August 19, 2014
3. APPROVAL OF AGENDA
4. HEARING OF CASE

VARIANCE REQUEST, JAMES MACIEJEWSKI OF JIMCO CONSTRUCTION COMPANY LLC, 1635 WITHERBEE – In order to reconstruct a garage, a 3 foot variance from the requirement that the garage be set back at least 5 feet from the side property line.

ZONING ORDINANCE SECTION: 4.06 (C) R-1E 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](mailto: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 August 19, 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  
Thomas Krent  
David Lambert

Absent:

Allen Kneale

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Julie Quinlan Dufrane, Assistant City Attorney

2. APPROVAL OF MINUTES – July 15, 2014

Moved by Courtney  
Seconded by Eisenbacher

RESOLVED, to approve the July 15, 2014 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

VARIANCE REQUEST, MUAREM ARLLAJ, 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

Moved by Eisenbacher  
Seconded by Krent

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – Ms. Dufrane advised the Board that the City Attorney’s Office would be providing the Planning Commission training on the Open Meetings Act later this year. She provided brief overview of some of the Act’s provisions.
6. MISCELLANEOUS BUSINESS – The Board discussed the possibility of having Zoning Ordinance language to allow very small deviations to dimensional requirements without the need for a variance. Member Krent agreed to add it to the existing list of suggested Zoning Ordinance changes forwarded to the Planning Commission earlier this year by the Board.
7. PUBLIC COMMENT – None
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:22 pm.

Respectfully submitted,

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Glenn Clark, Chairman

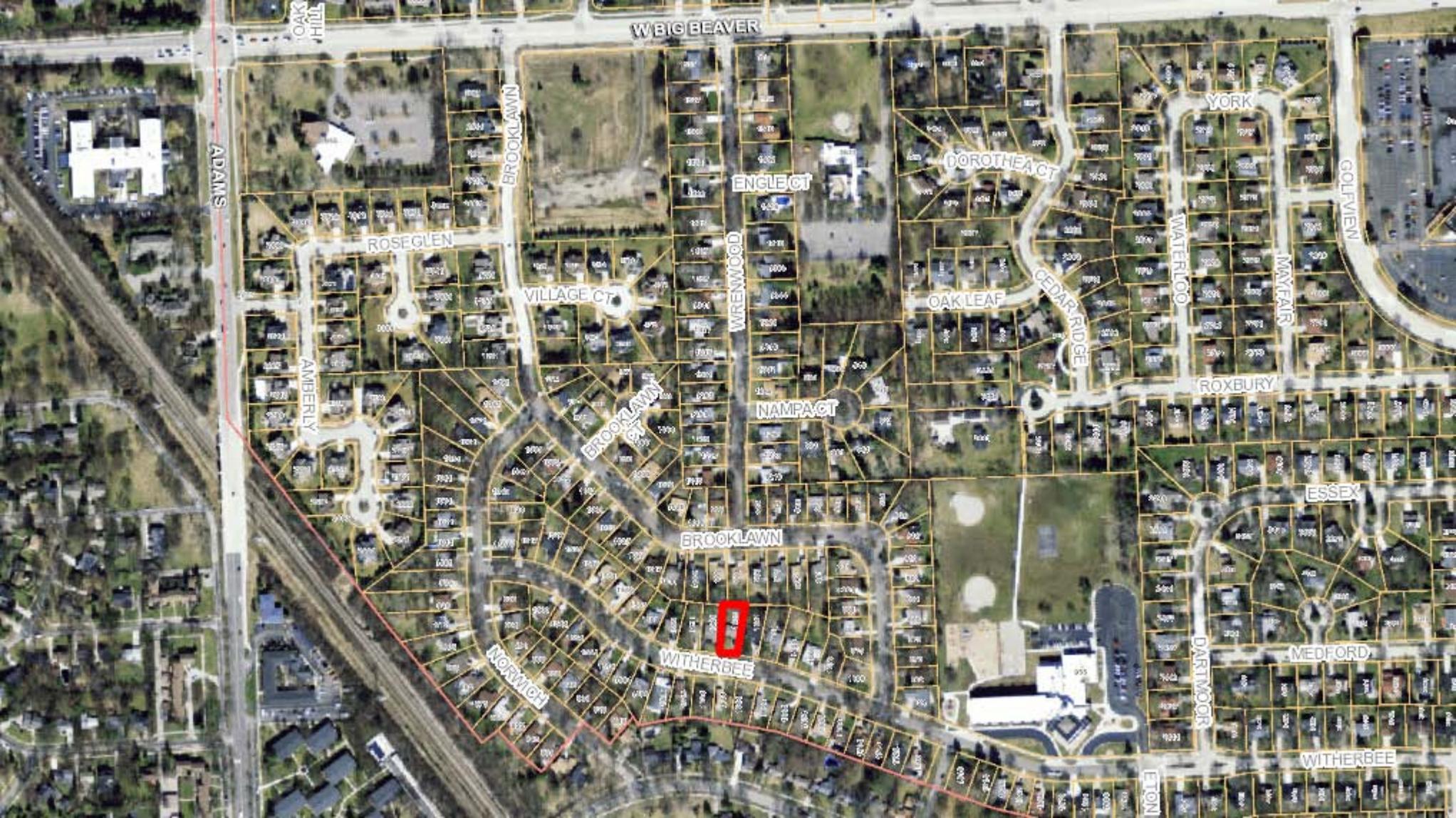
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Paul Evans, Zoning and Compliance Specialist

4. HEARING OF CASE

VARIANCE REQUEST, JAMES MACIEJEWSKI OF JIMCO CONSTRUCTION COMPANY LLC, 1635 WITHERBEE – In order to reconstruct a garage, a 3 foot variance from the requirement that the garage be set back at least 5 feet from the side property line.

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



OAK HILL

W BIG BEAVER

ADAMS

BROOKLAWN

ROSEGLEN

VILLAGE CT

ENGLE CT

DOROTHEA CT

YORK

GOLFVIEW

AMBERLY

WRENWOOD

OAK LEAF

CEDAR RIDGE

WATERLOO

MAYFAIR

BROOKLAWN

NAMPACT

ROXBURY

BROOKLAWN

ESSEX

NORWICH

WITHERBEE

DARTMOOR

MEDFORD

WITHERBEE

ETON



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WITHERBEE

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1543 1023 902  
1551 1017 999 991 983 975 967 961 931  
1559 1011 1005 999 991 983 975 967 961 901  
1565 1581 1599 1611 1625 1635 1641 (R-1E) 891  
1554 1564 1574 1584 1594 1604 1614 1624 1634 1644 1654 1664 1674 1684 1694 886  
848 838 828 818 1604 1614 1624 1634 1644 1654 1664 1674 1684 1694 881  
878 875 870 862 854  
894 891 881 875 862 854

WITHERBEE

BROOKLAWN

ZONING BOARD OF APPEALS APPLICATION

RECEIVED

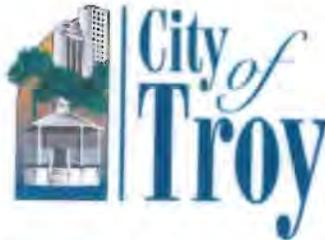
AUG 15 2014

PLANNING

FEE \$150.00

<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

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



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: 1635 WITHERBEE, TROY, MI.
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-30-152-038
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: 4.06
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO.
5. APPLICANT:
  - NAME James Maciejewski
  - COMPANY JimCo Construction Company LLC.
  - ADDRESS 2800 Lunar Ct
  - CITY Lake Orion STATE MI ZIP 48360
  - PHONE 248-894-1414
  - E-MAIL Jimco construction @ gmail . com
  - AFFILIATION TO THE PROPERTY OWNER: none. / contractor

6. PROPERTY OWNER:

NAME JOHN R. BLOYER  
COMPANY \_\_\_\_\_  
ADDRESS 1435 WITHERBEE  
CITY TROY, STATE Mi ZIP 48064  
TELEPHONE 248-647-8079  
E-MAIL JRBLOYER@YAHOO.COM

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, JOHN R. BLOYER (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 James Maciejewski DATE 8-14-2014  
PRINT NAME: JAMES MACIEJEWSKI

PROPERTY OWNER SIGNATURE John R. Boyer DATE 8/14/14  
PRINT NAME: JOHN R. BLOYER

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.

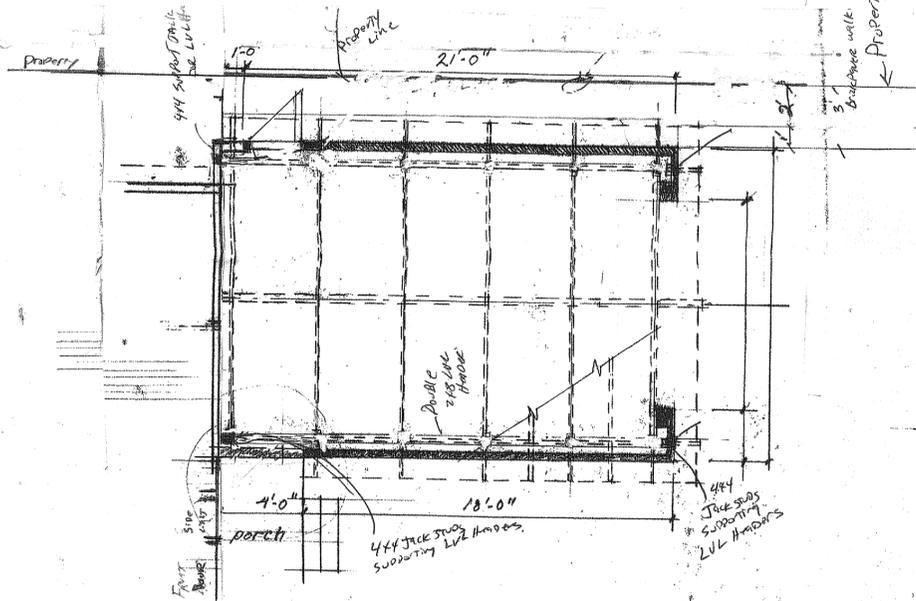
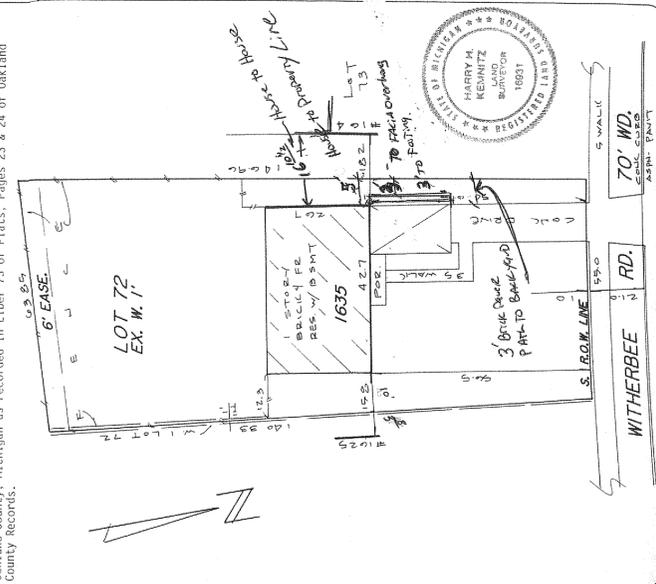
The applicant will be notified of the time and date of the hearing by first class mail.

**MORTGAGE SURVEY**

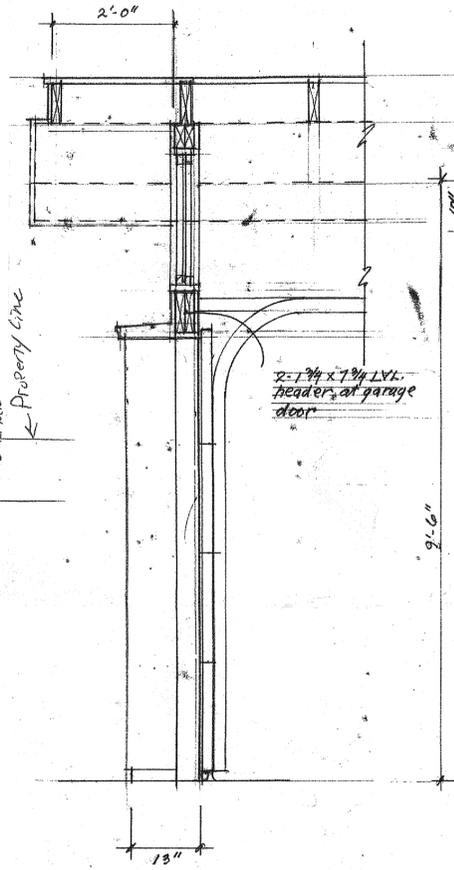
Certified to  
STANDARD FEDERAL BANK

Applicant: JOHNS R. BLOYER & DIANE BLOYER

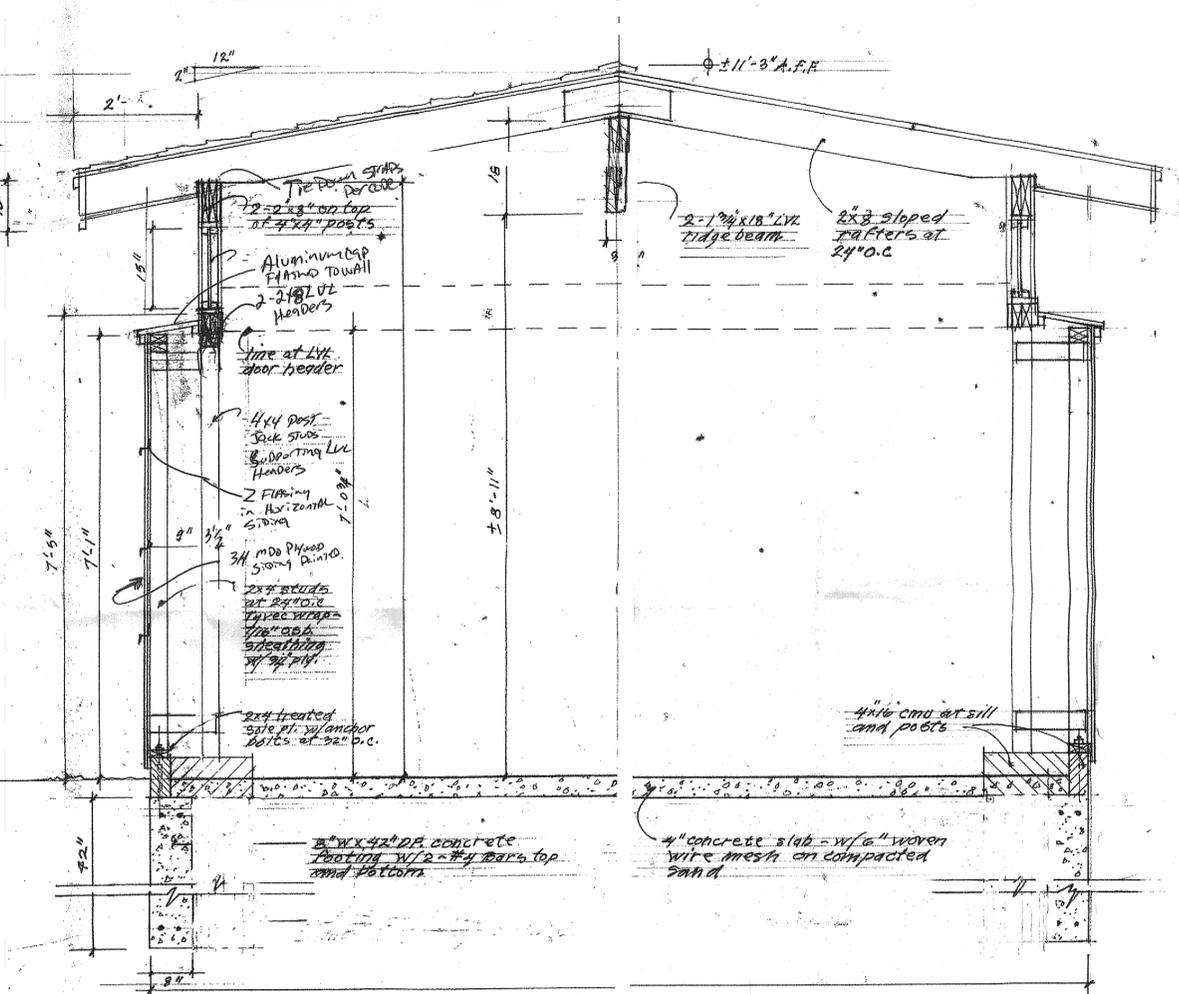
Property Description:  
LOT 72 except West 1 ft. thereof, TROYTON WINDOR SUBDIVISION of part of the N.W. 1/4 of Section 30, T. 2 N., R. 11 E., Troy Twp., (now City of Troy) and the City of Birmingham, Oakland County, Michigan as recorded in Liber 73 of Plats, Pages 23 & 24 of Oakland County Records.



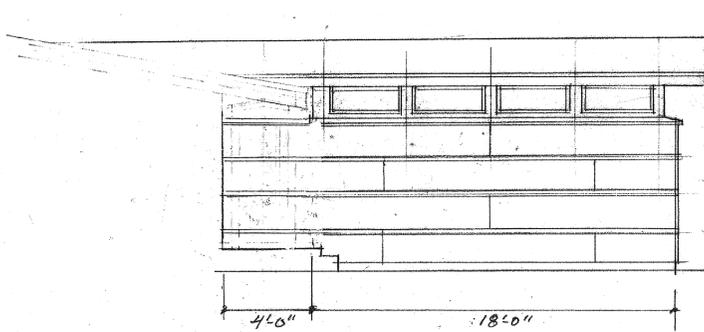
**PLAN**  
scale 1/4" = 1'-0"



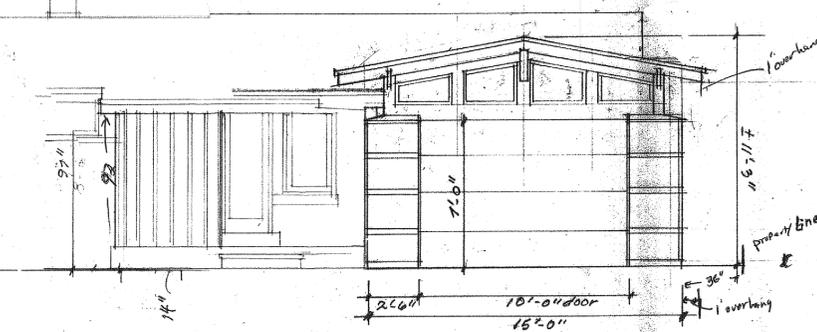
**SECTION at GARAGE DOOR HEADER**  
scale 3/4" = 1'-0"



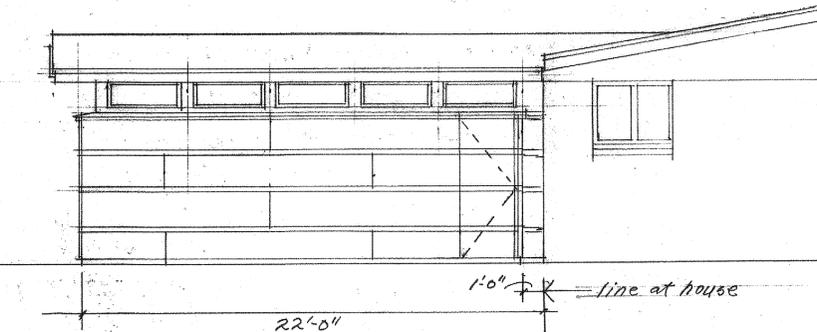
**TYPICAL SECTION**  
scale 3/4" = 7'-0"



**WEST ELEVATION**



**SOUTH ELEVATION**  
scale 1/4" = 1'-0"



**EAST ELEVATION**

**A GARAGE FOR MR and MRS. J. BLOYER**  
at 1635 WITHERBEE, TROY, MICHIGAN

RECEIVED  
AUG 15 2014  
PLANNING

STATEMENT OF PRACTICAL DIFFICULTY

PROPERTY - 1635 WITHERBEE, TROY, MI

RECEIVED

AUG 25 2014

PLANNING

TO WHOM IT MAY CONCERN:

I AM REQUESTING A 2 FT. VARIANCE FROM CURRENT ZONING (R-1E) REQUIREMENTS OF 5 FT (TOTAL 15 FT. SETBACK BETWEEN STRUCTURES BOTH SIDES) ALONG EAST BOUNDARY OF CURRENT CARPORT PAD.

1. THE CURRENT PAD WIDTH OF 12'6" DOES NOT PROVIDE ADEQUATE WIDTH FOR OPENING TRUCK DOORS WHILE ENTERING OR EXITING THE VEHICLE INSIDE CARPORT. THE NEW GARAGE DESIGN WIDTH OF 15 FT PROVIDES ADEQUATE WIDTH.
2. OPENED TRUCK DOORS ALSO CREATES INTERFERENCE WITH STORAGE ALONG LENGTH OF CURRENT INSIDE WALLS OF STRUCTURE.
3. MAINTAINING THE CURRENT PAD AND 5 FT. ZONING SETBACK ON THE EAST SIDE WITHOUT A 2 FT. VARIANCE FOR A 15 FT. NEW GARAGE WIDTH CREATES A VISUAL OBSTRUCTION OF THE FRONT DOOR SIDE WINDOW BY THE WEST WALL OF THE GARAGE.

IT ALSO ENROACHES ON THE ORIGINAL AND APPROPRIATE ARCHITECTURAL PROPORTIONS SURROUNDING THE FRONT ENTRANCE.

JOHN R. BLOYER

# MORTGAGE SURVEY

Certified to

STANDARD FEDERAL BANK

RECEIVED

AUG 25 2014

PLANNING

Applicant: JOHN R. BLOYER & DIANE BLOYER

Property Description:

LOT 72 except West 1 ft. thereof TROYTON MANOR SUBDIVISION of part of the N.W. 1/4 of Section 30, T. 2 N., R. 11 E., Troy Twp., (now City of Troy) and the City of Birmingham, Oakland County, Michigan as recorded in Liber 73 of Plats, Pages 23 & 24 of Oakland County Records.

