The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, July 17, 2007 at 7:30 P.M. in Council Chambers of the Troy City Hall.

PRESENT: Michael W. Bartnik (Arrived at 7:34 P.M.)
Glenn Clark
Kenneth Courtney
Marcia Gies
Mark Maxwell
Wayne Wright

ABSENT: Matthew Kovacs

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Christopher Forsyth, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 19, 2007

Motion by Wright
Supported by Gies

MOVED, to approve the minutes of the meeting of June 19, 2007 as written.

Yeas: 5 – Gies, Clark, Courtney, Maxwell, Wright,
Absent: 2 – Bartnik, Kovacs

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. MNAD PROPERTY, LLC, 3236 ROCHESTER ROAD, for renewal of relief of a six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

Mr. Stimac explained that the petitioner is requesting renewal of relief of a six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land. The variance was originally granted in 1968 and annually renewed for a number of years. In 1994 it was reported to the Board of Zoning Appeals that the variance was no longer necessary. A review of the records indicates that was not the case. The petitioner is asking that the original variance be renewed on the property.

This item last appeared before this Board at the meeting of June 19, 2007 and was postponed to allow Board members to take another look at the property to make a determination of what will be required.

ITEM #2 – con't.

Mr. Maged Michail, the owner of the property was present and stated that this variance has been granted since 1968 without an issue. Mr. Michail does not believe it is fair to change this request since it is under private ownership. The neighbor is not complaining about noise or the upkeep of the property, she is upset about people coming onto her property. Mr. Michail said extra landscaping or a wooden fence would solve this problem.

Mr. Michail said that he has met with the Planning Commission with his plans for this property and feels the requirement to put up a screen wall would be a punishment.

Mr. Maxwell explained that Mr. Michail is required by the Ordinance to put up a screen wall, but the Board would like to see an alternative. The Board can give a one, two or three year variance on relief of the required screen wall.

Mr. Michail said that although the neighbor had said the tree was gone, they have only trimmed the lowest branches.

Mr. Courtney stated that he would like to see extra screening or a cyclone or wood fence. Mr. Courtney believes this property needs to be screened to address the concerns of the neighbor.

Mr. Maxwell pointed out that landscaping would have to be monitored.

Mr. Wright said that he would prefer to see a wooden fence.

Mr. Clark stated that the neighbor that appeared at the meeting in June definitely indicated that that she wanted a wall to provide the necessary screening.

Mr. Bartnik stated that he believes the neighbor wanted a wall. Mr. Bartnik is concerned because of the proximity of residences and businesses and feels that they are in very close proximity and the business is closing in on the residential area. Mr. Bartnik does not believe a cyclone fence would be the answer and would vote against this variance.

Motion by Courtney
Supported by Gies

MOVED, to grant MNAD Property, LLC, 3236 Rochester Road, a one-year variance for relief of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

- 6' high wood screening fence would be installed.
- One-year time frame will allow the Board to determine the upkeep of the property.

ITEM #2 – con't.

Yeas: 5 – Gies, Maxwell, Wright, Clark, Courtney
Nays: 1 – Bartnik
Absent: 1 – Kovacs

MOTION TO GRANT VARIANCE FOR ONE-YEAR CARRIED

ITEM #3 – APPROVAL REQUEST. JASON WENZEL, 213 FABIUS, for approval under Section 43.74.01 to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford utility van described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

Mr. Maxwell asked if Mr. Wenzel had looked into storing this vehicle in another location and Mr. Wenzel stated that he hadn't due to the cost involved.

Mr. Wenzel was present and stated that he has owned the property for three years. He has completely re-done the house, which includes new windows and landscaping. He is not trying to bring property values down but is in fact trying to increase the value of the property.

Mr. Maxwell said that the Board has to go by certain criteria to determine if approval can be granted to store this vehicle on residential property.

Mr. Wenzel stated that he had spoken to six (6) of his neighbors and they have all told him that they approve of him storing this vehicle outside.

Mr. Clark stated that one of the objections indicated that there are a lot of construction materials stored outside.

Mr. Wenzel said that he plans to put an addition on the home to increase the value of the property.

Mr. Clark asked if this material was to be used for this addition.

Mr. Wenzel said that he plans to remove the one-car garage and make it a two-car garage and add a second story to the home. He has been buying material until he gets to the point where he is ready to do this.

Mr. Maxwell asked which of the criteria Mr. Wenzel feels apply to his situation.

Mr. Wenzel said that he did not know what the criteria were.

ITEM #3 – con't.

Mr. Maxwell read the criteria to Mr. Wenzel from the application.

Mr. Wenzel stated that in his opinion a detached garage would be an eyesore to the area as the neighbors would rather look at landscaping than an accessory building. Mr. Wenzel said that a detached garage would bring the value of the property down.

Mr. Courtney asked if Mr. Wenzel had any thoughts to making the proposed garage large enough to accommodate this vehicle.

Mr. Wenzel said that it would not work as the garage would have to be deeper on one side and would lower property value. Mr. Wenzel also said that he has a height requirement to consider. He wants to put more square footage on the house.

The Chairman opened the Public Hearing.

Ms. Betty Dolezel, 242 Fabius was present and stated that she lives across the street from Mr. Wenzel. She sees the truck from her window and does not have any objection to the parking of this vehicle outside. Ms. Dolezel said that the vehicle is not that large and it does not bother her at all.

No one else wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There is one (1) written objection on file.

Mr. Wright stated that when he had driven by this property the vehicle was parked next to the garage and said that it appears there is plenty of room to add an additional driveway and a detached garage to house this vehicle.

Mr. Wenzel said that he had expanded the driveway and went from gravel to cement. This is the area he plans to put up the addition. Mr. Wenzel also stated that he believes a building at the back of the property would detract from the site.

Mr. Wright said that it appears he has room to go on either side of the house to a detached garage.

Mr. Wenzel said he has a deck on the back of the house and does not believe there is enough room to maneuver a vehicle back there.

Mr. Courtney said that he believes Mr. Wenzel could look at adding to the garage.

Mr. Wenzel said it will not work, and he would have to put a 10' door on one side and if he put up a detached building, it would be an eyesore because of the 10' door.

ITEM #3 – con't.

Mr. Maxwell stated that he does not like the way the Ordinance is written and believes that each individual should look for alternative places for these vehicles. Mr. Maxwell further stated that it is very difficult for this Board to make a decision based on the criteria listed. Mr. Maxwell also stated that he hopes the Planning Commission will come up with stricter guidelines regarding commercial vehicles.

Mr. Bartnik asked why the petitioner needed a 10' high garage door.

Mr. Wenzel said that this is an enclosed truck and he cannot take it through a drive-thru that has a height of 9' and so he assumes that he would need a higher door.

Mr. Bartnik asked how high the vehicle was and Mr. Wenzel stated that he did not know.

Mr. Bartnik asked if he knew how wide the vehicle was and Mr. Wenzel stated that it is a regular dual'e, which means it has two wheels on each side of the back.

Motion by Clark
Supported by Maxwell

Mr. Bartnik said that in his opinion the petitioner has not met any of the requirements listed in the application and believes that it will negatively impact the surrounding properties.

MOVED, to grant Jason Wenzel, 213 Fabius, approval under Section 43.74.01 to store a commercial vehicle outside on residential property for a period of one-year.

- One-year time limit will allow petitioner to explore other alternative locations to store this vehicle.
- Petitioner has met Standard B and C of Section 43.74.01.

Yeas: 4 – Maxwell, Clark, Courtney, Gies
Nays: 2 – Wright, Bartnik
Absent: 1 – Kovacs

MOTION TO GRANT APPROVAL FOR ONE-YEAR CARRIED

Mr. Maxwell strongly urged the petitioner to look into alternatives to store this vehicle and to be prepared to come back in one-year's time to explain to the Board why an alternative location would not be an option. Mr. Maxwell also said that he believes it is very difficult for this Board to make a sound decision based on the criteria provided.

ITEM #4 – VARIANCE REQUEST. PAT PETITTO, REAL ESTATE CONSULTANT FOR THE CITY OF TROY, for the purchase of a portion of the property at 6480 John R. that will result in a lot area of 8,100 square feet where Section 30.10.05 requires 8,500 square feet minimum lot size in the R-1D Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to purchase a portion of the property at 6480 John R. The property in question is located in the R-1D (One-Family Residential) Zoning District. Section 30.10.05 of the Troy Zoning Ordinance requires a minimum lot size for a single-family dwelling in the R-1D Zoning District of 8,500 square feet. The portion of the parcel remaining after the acquisition of the John R. Road right of way will be only 8,100 square feet in area.

The Ordinance grandfathers the setback of the structure as it is right now, however, it does not grandfather the area of the site and this is reason it needs to meet the requirement of 8,500 square feet.

Mr. Stimac further explained that the property to the south wraps behind this parcel. The parcel to the south has been split a number of times and the number of allowable splits has been maxed out. City Staff has arranged a “No Build” agreement so that the property behind 6480 John R. cannot be developed any further. Accessory buildings, fences or any other type of structure cannot be constructed in this area. Furthermore, any additional landscaping would also require approval. This agreement does not physically expand the size of the property, although it will give the appearance of a larger lot.

Mr. Courtney asked how far this existing home would be from the right of way line once John R. is expanded.

Mr. Stimac said that it will be approximately 37’ from the road.

Ms. Petitto was present and stated that she had nothing further to add.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Courtney
Supported by Wright

MOVED, to grant Pat Petitto, Real Estate Consultant for the City of Troy, approval for the purchase of a portion of the property at 6480 John R. that will result in a lot area of 8,100 square feet where Section 30.10.05 requires 8,500 square feet minimum lot size in the R-1D Zoning District.

ITEM #4 – con't.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 6 – Maxwell, Wright, Bartnik, Clark, Courtney, Gies
Absent: 1 – Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. ND INDUSTRIES, INC. 1893 BARRETT, for relief of the Ordinance to construct an addition on the existing industrial building that will result in 60 parking spaces where Section 40.21.80 of the Ordinance requires 75 parking spaces; and, a 6'-2" side yard setback where Section 30.20.09 requires a minimum 10' side yard setback in the M-1 Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to the existing building. The proposed addition results in a total building area on the site of 33,730 square feet. The site plan submitted indicates that only 43 parking spaces will be developed on the site and another 17 spaces will be "land banked" at the west end of the property resulting in a total number of parking spaces available of 60. Section 40.21.80 of the Troy Zoning Ordinance requires that a minimum of 75 parking spaces be provided for an industrial building of this size.

The existing front building has a 6'-2" side yard setback to the north property line. Section 30.20.09 of the Troy Zoning Ordinance requires a 10' minimum side yard setback in the M-1 (Light Industrial) Zoning District. The proposed addition will extend this non-conforming setback.

A discussion began regarding the number of parking spaces shown on the plan as well as the number of parking spaces the petitioner is planning to "land bank".

Mr. Thomas Roth of Roth and Associates and Mr. Joe Gutowski, General Manager of N D Industries, were present. Mr. Roth explained that in 2004, N D Industries had met with both the Building Department Staff as well as the Fire Department to discuss the requirements to bring this building up to code. Two wood storage buildings were constructed without permits. Originally, they planned to alter this building in three phases. The first phase was to add a fire protection system, fire pump, generators, make up air systems and exhaust systems to handle the chemicals used in this building. This phase has been completed.

Their second phase was to go in and change all of the electrical systems where hazardous materials were being used. This phase was scheduled to begin in 2007.

The third phase, in 2008, was to remove the back buildings

ITEM #5 – con't.

Management decided to do all of this work in one phase. Essentially they came up with a plan that will eliminate the wooden storage building, a loading dock and a truck well.

They lost about 6,000 square feet of storage space that held highly flammable materials.

The proposed addition would have a containment area, a building within a building that would store the hazardous materials necessary to this building. The entire building is sprinklered, and this containment room is about 2,000 square feet. There is also a containment area, about 18" deep, to hold the sprinklered water in case of contamination.

This addition caused the loss of some available parking needed due to trucks coming in and out of the property.

There are 43 parking spaces available to handle their largest shift, which consists of 39 employees.

Two additions have been put on this building. Mr. Roth said that they have researched property records, but have been unable to determine how this building was constructed with a 6'-2" side yard setback. The building was originally constructed in 1957.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no objections on file.

Motion by Courtney
Supported by Clark

MOVED, to grant N D Industries, Inc., 1893 Barrett, for relief of the Ordinance to construct an addition on the existing industrial building that will result in 60 parking spaces where Section 40.21.80 of the Ordinance requires 75 parking spaces; and, a 6'-2" side yard setback where Section 30.20.09 requires a minimum 10' side yard setback in the M-1 Zoning District.

- Variance applies only to the property described in this application.
- Variance does not prohibit the establishment of a prohibited use in a Zoning District.
- Variance is not contrary to public interest.

Yeas: 6 – Maxwell, Wright, Bartnik, Clark, Courtney, Gies
Absent: 1 – Kovacs

ITEM #5 – con't.

MOTION TO GRANT VARIANCES CARRIED

ITEM #6 – VARIANCE REQUEST. MARCY DEGIULIN-GALCA, 125 E. MAPLE (PROPOSED ADDRESS), for relief of the Ordinance to construct a new office building that will result in a 22' front yard setback and 10' side yard setback to the west property line where Section 30.20.01 of the Troy Zoning Ordinance requires a 30' minimum front yard setback and a 20' minimum side yard setback for buildings in the O-1 District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new office building. This property is located in the O-1 (Office Building) Zoning District. Section 30.20.01 of the Troy Zoning Ordinance requires a 30' minimum front yard setback and a 20' minimum side yard setback for buildings in the O-1 District. The site plan submitted indicates a 22' front yard setback and a 10' side yard setback to the west property line.

Ms. Degiulin-Galca was present and stated that they have been in this building for seventeen (17) years and recently they had a fire. They are proposing to construct a new 1800 square foot building. The previous building was 2700 square feet.

The Chairman opened the Public Hearing.

No one wished to speak and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Mr. Clark asked if the neighbors were commercial or residential. Ms. Degiulin-Galca said that they were commercial.

Mr. Stimac explained that this area of Maple with the exception of a couple of buildings, are a number of houses that have been converted to commercial uses. The property to the north is zoned residential and the petitioner has provided a 6' high screen wall where this property abuts the residential property.

Mr. Clark asked for clarification of the setback requests.

Mr. Stimac explained that the requested 10' side yard setback is to the west property line and the residential property is to the north of this parcel. This new building will have a 48' setback to the residential property line and the screen wall that is required is shown on the construction plans.

Motion by Wright
Supported by Courtney

ITEM #6 – con't.

MOVED, to grant Marcy Degiulin-Galca, 125 E. Maple, relief of the Ordinance to construct a new office building that will result in a 22' front yard setback and a 10" side yard setback to the west property line where Section 30.20.01 of the Troy Zoning Ordinance requires a 30' minimum front yard setback and a 20' minimum side yard setback for buildings in the O-1 Zoning District.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.

Yeas: 6 – Wright, Bartnik, Clark, Courtney, Gies, Maxwell
Absent: 1 – Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. PATRICK DYKE, REPRESENTING AZHAR ALI, 2062 CHARNWOOD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new single-family residence with a 29'-9" building height where Section 30.10.01 (u) limits the building height of single-family residences in the R-1A Zoning District to 27'.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new single-family residence. The plans submitted indicate a 29'-9" building height for the proposed residence when measured in accordance with Section 04.20.23. Section 30.10.01 (u) limits the building height of single-family residences in the R-1A Zoning District with property installed attic draft stopping to not more than 27'.

Patrick Dyke, of Patrick Dyke Collaborative, LLC was present.

Mr. Courtney asked if Mr. Dyke was aware that the means were available to make this structure comply with the Ordinance.

Mr. Dyke stated that the entire residence would have to have a fire suppression system or they would have to physically reduce the structure. A very small portion of this roof would be 29'-9", the largest portion of the roof will be 29'-3". They could sprinkle the entire residence; however, it is a major undertaking. The house is designed as low to the ground as possible. There is a 10' first floor ceiling and an 8' second floor ceiling. They cut into the attic to bring the roof line down. The house is only 30' deep at the mid- point. They have designed the eave of the roof as close to the second floor windows as possible. According to the Ordinance they could design a home that is 15,000 square feet, but are only going to build a house that is about one-half of that size. About 50% of the roof of this house is only one-story. Mr. Dyke also said that it is a major undertaking to put a fire suppression system in an entire home and is very expensive.

ITEM #7 – con't.

Mr. Courtney asked if Mr. Dyke had spoken to the Fire Department regarding fire suppression on this home.

Mr. Dyke said that they had and they have tried to lower the height of the home as much as possible. One of the suggestions made by the Fire Department would be to draft stop the attic into smaller portions. Fire suppression systems usually slow down a fire, not necessarily put a fire out. They have draft stopped the attic in three sections.

Mr. Maxwell stated that when considering a variance, the Board has to consider the character and nature of the surrounding area. This home "as is" is much bigger and higher than anything in this area.

Mr. Dyke pointed out that if they add a fire suppression system, the height of this home could be 32' height.

Mr. Maxwell said that in his opinion this home is going to be massive compared to other homes in the area. Mr. Maxwell also said that he understands how large a home can be constructed on this property, as it is a very large parcel.

Mr. Dyke stated that he has never seen a 32' height standard in any other community. As markets get stronger, this home will add to the value of the homes in the area.

Mr. Maxwell asked how large this home would be and Mr. Dyke stated that the first floor is about 7,000 square feet and the basement is approximately 4,200 square feet.

Mr. Maxwell said that the Board has to look at how this home would fit into the area.

Mr. Dyke stated that the middle of the house is set quite a way back from the front property line, so that it would be less obtrusive to the other homes in the area.

Mr. Maxwell asked why it was necessary that this home have a 29' height.

Mr. Dyke stated that in order to lower the roof, they would have to lower the ceilings on the first floor and take something from the ceiling height on the second floor. As a designer different design elements come into play and he is trying to make this home as attractive as possible. The roof line should be symmetrical and the pitches on the roof equal, especially as this is a hip roof.

Mr. Dyke went on to say that he was at this meeting for technical support and introduced the owner of the property, Dr. M.A. Ali to answer any further questions.

Dr. Ali stated that his first exposure to Troy was in 1992, living at Somerset Apartments. Since that time he had considered himself a citizen of Troy. Troy has an excellent school system. Dr. Ali said that it is very difficult to say exactly why he wanted to live

ITEM #7 – con't.

in Troy, except that in his opinion it was similar to "love at first sight". Dr. Ali lived in Toronto for a period of time, but always wanted to come back to Troy. Dr. Ali said that he would like to be able to give back to the community. Dr. Ali plans to replace all the trees that have been removed and feels this will be a beautiful addition to the area.

Dr. Ali explained that this home is going to be environmentally friendly. The basement will be constructed with material that is 2 ½ times stronger than anything else that is on the market and being used at the present time. They plan to use much more insulation and therefore the amount of heating and cooling required would be greatly reduced.

Mr. Maxwell said that it is a beautiful plan. Mr. Maxwell said that he appreciates what he is trying to do, but does have concerns about the neighborhood as a whole.

Dr. Ali said that there was another home in the area that was higher that this proposed home.

Mr. Courtney asked the petitioner why he came before the Board. If the petitioner added a Fire Suppression system a variance would not be required and the house could be built with a height of 32'.

Dr. Ali stated that a fire suppression system is a major undertaking and very expensive.

Mr. Dyke stated that a fire suppression system would run between $40,000 and $45,000. This cost is difficult to justify.

The Chairman opened the Public Hearing.

Mr. Ivan Johnson, 6100 Windrush, was present. Mr. Johnson said that Charnwood was built in the 1950's and was considered way out in the country. There were quite a few restrictions on the property that limited them to one-story homes and many did not have basements. Times have changed and there is quite a bit of new construction going on in this area. Mr. Johnson said that he would be thrilled to see this home go in. If the house was sprinklered it would be bigger and higher and in his opinion more obtrusive to the homes in the area. Mr. Johnson does support this request.

Ms. Jacqueline Stephan, 2160 Charnwood was present. Ms. Stephan said that she has lived in this area for approximately 1 ½ years. In the time she has been there she has been cleaning up the property and met just about all of the neighbors. Times have changed, but Ms. Stephan does not believe this home is in the spirit of the neighborhood. Most of the people in the area are quiet, retired homeowners and most of the children are grown and gone. The homes being constructed on Dalesford are much larger and she believes this is the way the trend is going. Ms. Stephan does not see a lot of people coming into this area to build 7,000 square foot houses. Ms. Stephan also said that approximately 70% to 75% of the people in this area are retired

ITEM #7 – con't.

and she thinks that the petitioner should look at the surrounding homes and construct his home to fit in with the others in the area. Ms. Stephan stated that her home is 2,300 square feet and she does not see doubling the size of it just to have an investment in the neighborhood. Ms. Stephan said that she bought the property for the land.

Mr. Courtney said that the home looks very large but it does not take up the entire lot. There will be a lot of property still around this home and would not be considered a "big foot" home as it does not take up the entire lot.

Ms. Stephan stated that there will be a lot of driveway and cement near her property as there is a four car driveway.

Mr. Courtney said that Mr. Johnson has been there a very long time and he is in favor of this request.

Ms. Stephan said that she is not saying that she is not in favor, she just wants to caution the Board to be aware of what kind of neighborhood this is. The neighbor behind this parcel is very upset about this construction and she did not know why he was not there to voice his disapproval.

No one else wished to speak and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Mr. Wright stated that he did not see any hardship associated with the land that would justify a variance.

Mr. Courtney agreed with Mr. Wright and yet would like to see the home constructed. The cost of the sprinkler system is not a hardship.

Mr. Stimac explained that the Board had to find a practical difficulty that would justify granting a variance.

Mr. Maxwell said that although this is a beautiful home it would have a negative impact on surrounding property. Mr. Maxwell also said that he believes that this home could be constructed and comply with the Ordinance.

Mr. Dyke stated that the practical difficulty is that you have an Ordinance written that is so low that it is not conducive to designing any type of two story home with a decent roof pitch on it. The physical constraint is the height dictated by the Ordinance. This is a 7,000 square foot home but is only 30' deep.

Mr. Maxwell said that typical homes in Troy are about 2300 square feet and don't have 10 foot ceilings.

ITEM #7 – con't.

Mr. Dyke said that most new homes are constructed with 9' high ceilings.

Mr. Maxwell said that this is a very large home.

Mr. Dyke stated that they have draft stopped this home in three sections. They have attempted to get the house to look proportionate. They are trying to blend this home with the area. This is not an investment home and Dr. Ali and his family plan to stay in this home for at least fifteen years. This is the City they want to live in and are not worried about how many children are in the area. This is not a financial investment.

Mr. Bartnik said that the Ordinance allows an exception and he does not believe there is a practical difficulty other than the cost involved. The petitioner has demonstrated that he has done a lot already, and he is having a problem understanding why this is such a problem.

Mr. Courtney took an informal poll of the Board and believes it may be best to postpone this request until we have a full Board.

Mr. Maxwell said that right now he would vote against this request.

Mr. Wright said that he would vote against this request because he does not see a practical difficulty and there is an alternative solution available.

Mr. Bartnik said that the house would be good for the City and these lots are large enough to support a home of this size, but he did not see a practical hardship that would justify a variance.

Mr. Clark stated that he was having a hard time finding the practical difficulty involved with this request. Mr. Clark said that he would recommend that the petitioners come up with a better explanation as to why the Ordinance cannot be met. This is a great City.

Motion by Bartnik
Supported by Courtney

MOVED, to postpone the request of Patrick Dyke, representing Dr. Azhar Ali, 2062 Charnwood (proposed address), for relief of the Ordinance to construct a new single-family residence with a 29'-9" building height where Section 30.10.01 (u) limits the building height of single-family residences in the R-1A Zoning District to 27' until the meeting of August 21, 2007.

- To allow the petitioner the opportunity to provide more information on the practical difficulty involved with this request.
- To allow the petitioner the opportunity of a full Board.

ITEM #7 – con't.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Maxwell, Wright
Absent: 1 – Kovacs

MOTION TO POSTPONE THIS REQUEST UNTIL AUGUST 21, 2007 CARRIED

Motion by Gies
Supported by Clark

MOVED, to excuse Mr. Kovacs from tonight's meeting for personal reasons.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Maxwell, Wright

MOTION TO EXCUSE MR. KOVACS CARRIED

The Board of Zoning Appeals meeting adjourned at 9:26 P.M.

_____
Mark Maxwell, Chairman

_____
Pamela Pasternak, Recording Secretary