

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Wednesday, May 21, 2003.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell  
Mark Vleck

ALSO PRESENT: Mark Stimac  
Allan Motzny  
Pamela Pasternak

Mr. Hutson introduced his father, Mr. Jack Hutson, the first City Attorney for the City of Troy in 1956. Mr. Hutson explained that this was when the City was changing from a Township to a City.

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 15, 2003**

Motion by Maxwell  
Supported by Vleck

MOVED, to approve the minutes of the meeting of April 15, 2003 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Vleck, Courtney  
Abstain: 2 – Fejes, Gies

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #7**

**MOVED**, that Items #3 through #7, with the exception of Items #5 and #6 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney  
Supported by Maxwell

MOVED, that Items #3, #4 and #7 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All – 7

MOTION TO APPROVE ITEMS #3, #4 AND #7 ARE CARRIED

**ITEM #3 – RENEWAL REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM,** for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall.

Mr. Stimac explained that the petitioner is requesting relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required. This Board at the meeting of May 2000 first granted this relief. This item last appeared before this Board at the meeting of May 2001 and was granted a two-year (2) renewal to allow the Board to observe the maintenance of the berm. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Liberty Property Trust, 2600 and 2710 Bellingham a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall, which is required.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. SAN MARINO SOCIAL CLUB, 1685 E. BIG BEAVER,** for relief of the 6' high masonry-screening wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north. This relief has been granted on a yearly basis since 1976, primarily due to the fact that the adjacent residential property is undeveloped and owned by the petitioner. This item last appeared before this Board at the meeting of May 2000 and was granted a three-year (3) renewal at that time.

MOVED, to grant San Marino Social Club, 1685 E. Big Beaver, a three-year (3) renewal of relief of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM #7 – RENEWAL REQUESTED. BIG BEAVER UNITED METHODIST CHURCH, 3753 JOHN R.,** for relief of a 4'-6" high masonry wall along the north, east and west sides of off-street parking.

Petitioner is requesting renewal of relief of a 4'-6" high masonry wall required along the north, east and west sides of off-street parking. This Board has granted this relief on a yearly basis since 1994 based on the fact that the wooded areas provide a natural screening and a variance would not cause an adverse effect to the properties in the

**ITEM #7 – con't.**

immediate vicinity. This item last appeared before this Board at the meeting of May 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Big Beaver United Methodist Church, 3753 John R., a three-year (3) renewal of relief to maintain a 4'-6" high masonry wall required along the north, east and west sides of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #5 – RENEWAL REQUESTED. REVEREND SIMION TIMBUC, BETHESDA ROMANIAN CHURCH, 2075 E. LONG LAKE**, for relief of the 4'-6" high masonry-screening wall required along the east side of off-street parking.

Mr. Stimac explained that the petitioner is requesting relief of the 4'-6" high masonry-screening wall required along the east side of off-street parking. This relief has been granted on a yearly basis since May 1998. This item last appeared before this Board at the meeting of May 2002 and was granted a one-year renewal to allow the petitioner the opportunity to replace the dead shrubbery that was present; and also to allow the Church the time needed to work with the City to determine what other types of screening can be provided.

Motion by Courtney  
Supported by Maxwell

Moved, to grant Simion Timbuc, Bethesda Romanian Church, 2075 E. Long Lake, a one-year (1) renewal for relief of the 4'-6" high masonry-screening wall required along the east side of off-street parking.

- To allow the petitioner the opportunity to replace the dead trees and shrubbery in this area.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR ONE-YEAR (1) CARRIED

**ITEM #6 – RENEWAL REQUESTED. WANDA WAITE, PPG INDUSTRIES, 5875 NEW KING**, for relief to maintain a berm in lieu of the 6' high masonry-screening wall required along the west property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a berm in lieu of the 6' high masonry-screening wall required along the west property line. This Board has granted this relief on a yearly basis since 1988 based on the fact that

**ITEM #6 – con't.**

the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. This item last appeared before this Board at the meeting of May 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

Motion by Courtney  
Supported by Maxwell

MOVED, to postpone the request of Wanda Waite, PPG Industries, 5875 New King, until the meeting of June 17, 2003 to allow time to publish a Public Hearing, in order to consider making this a permanent variance.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JUNE 17, 2003  
CARRIED

**ITEM #8 – VARIANCE REQUESTED. MR. & MRS. GARY SHEREDA, 5231 CROWFOOT**, for relief of the rear yard setback to construct a rear family room addition with a 25.5' rear yard setback where 40' is required by Section 30.10.04.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct a family room addition. The site plan submitted indicates that the proposed family room addition would result with a 26.55' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District. This item last appeared before this Board at the meeting of April 15, 2003 and was postponed to allow the petitioners to explore the possibility of reducing the size of this addition and the opportunity to have a full board.

The Building Department received a letter from the homeowners requesting that this item be postponed until the meeting of June 17, 2003.

Motion by Fejes  
Supported by Gies

MOVED, to postpone the request of Mr. & Mrs. Gary Shereda, 5231 Crowfoot, for relief of the rear yard setback to construct a rear family room addition with a 25.5' rear yard setback where 40' is required by Section 30.10.04, until the meeting of June 17, 2003.

- Petitioner requested a postponement to allow them to explore the possibility of reducing the size of this addition.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL JUNE 17, 2003 CARRIED

**ITEM #9 – VARIANCE REQUESTED. MR. THOMAS DOOLEY, 2872 WATERLOO DR.,** for relief of the rear yard setback to construct a rear family room addition with a 35.1' rear yard setback where Section 30.10.04 requires 40'.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct an addition to their family room. The site plan submitted indicates an addition to the family room with a proposed 35.1' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

Mr. Dooley was present and stated that the reason he wished to put his addition in this area was because he has an existing cement patio, which runs 14' from the back of his home. Mr. Dooley also said that he had seen other homes in his area and was using them as a model for his addition. Mr. Dooley explained that they wished to expand their family room, but he would be willing to go back to his architect to determine if the plans could be changed to comply with the Ordinance.

Mr. Fejes asked if Mr. Dooley could explain his reason for requesting a variance. Mr. Dooley said that presently they only have one wall that their couch can be put on and they would like to expand this area to give them more options.

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 written objections on file.

Mr. Kovacs stated that when he drove by the area he had noticed a number of trees at the back of the lot and asked where they were in relation to the lot line. Mr. Dooley stated that they are arborvitaes and they are planted along the lot line within a foot. Mr. Kovacs then stated that he understood Mr. Dooley to say that he could go back to his architect to determine if there was another option available to him. Mr. Dooley said that he thought the architect could come up with something, which would enable them to expand this family room.

Motion by Courtney  
Supported by Gies

MOVED, to postpone the request of Mr. Thomas Dooley, 2872 Waterloo, until the meeting of June 17, 2003, for relief of the rear yard setback to construct a rear family room addition with a 35.1' rear yard setback where Section 30.10.04 requires 40'.

- To allow the petitioner the opportunity to meet with his architect to determine if he can expand his family room and still comply with the Ordinance.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF JUNE 17, 2003  
CARRIED.

**ITEM #10 – VARIANCE REQUESTED. MR. & MRS. RICK HOWARD, 2051 E. BIG BEAVER,** for relief of the Zoning Ordinance to have a day care center for 145 children with 16,637 square feet of outdoor play space where 21,750 square feet are required by Section 10.30.03.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct additional parking area at the existing day care center at 2051 E. Big Beaver. Section 10.30.03 of the Troy Zoning Ordinance requires that a minimum of 150 square feet of outdoor play area be provided for each child cared for at the center. For the 145-child capacity that is proposed, a minimum of 21,750 square feet of outdoor play space is required. The site plan submitted indicates that only 16,637 of square feet of outdoor play space are proposed.

Mr. and Mrs. Rick Howard were present. Mrs. Howard stated that out of 145 children, there are 37, which are infants, and they stay in the three infant rooms provided. These 37 children are only taken outside in strollers and do not use the outside facility until they can walk. Mrs. Howard also said that they have a full gymnasium set up in order for these children to crawl. Mrs. Howard explained that she has been in business for 15 years and has baby rooms, toddler rooms and pre-school rooms.

Mr. Maxwell asked for a description of the recreation activities provided for these children both inside and outside. Mrs. Howard said that they have a full gymnasium, which is 65' by 25', which contains climbers and mats. Dance classes as well as tumbling classes are available in this gym. Outside there are full swing sets, sand boxes, and climbers. Mr. Maxwell asked if there are children at this facility twelve months a year and if they went outside every day. Mrs. Howard said that they do have children twelve months a year and they are outside weather permitting. Mr. Maxwell then asked what the maximum number of children would be that were outside at one time. Mrs. Howard said that at the end of the day there would be approximately 100 or 110 children out at one time. Mrs. Howard further explained that the play area is fenced off for different age groups.

Mr. Courtney suggested that this item appear before Council or the Planning Commission for a change in the Ordinance.

Mr. Hutson asked that if a variance could be granted, based on the premise that you would always have 38 or more infants. Mr. Motzny stated that he did not believe that this could be a condition of the variance, because the conditions of a variance have to run with the land, and not based on the people that use the land. Mr. Motzny said that he did not believe this type of condition could be imposed.

Mrs. Howard said that her three (3) infant rooms always have infants, and she would not be able to bring any more in until her pre-schoolers move out. Mr. Hutson then said that if the property were sold, another person might not run their day-care center in the same manner that Mr. and Mrs. Howard do, and it could create a problem in the future. Mr. Motzny said that the condition could be identified, and it would be possible to state that

**ITEM #10 – con't.**

as long as “so many” infants, who could possibly justify the condition, use this property. Mr. Stimac suggested that another way the condition could be made was to limit the total number of children rather than the number of infants, similar to granting a parking variance to a restaurant based on their occupant load. Mr. Stimac further went on to say that if the number of children who are over two and one half years old would be limited to 110, and then the number of children who would have access to the play space would be limited also.

Mr. Courtney also asked if the Planning Commission and Council had determined a certain number of children who would occupy this space. Mr. Courtney also said that if a determination had not been made, he still felt that this request may require a change in the Ordinance.

Mr. Maxwell said that he had a concern that if a condition was placed on their business that perhaps the Board was getting into an area where it shouldn't be. Mr. Maxwell said that perhaps they could say that this outside area would be used for 115 children.

Mr. Fejes asked for a clarification on the variance request. Mr. Stimac explained that they are requesting a new parking area on John R., which will result in less outdoor play space allowed for each child. Mr. Stimac further explained that the Ordinance based on the number of children they wish to take care; they would need a certain square footage of outdoor play space. Mr. Stimac also said that with the parking lot and the other land, which they wish to develop further as other than a day care center, they only want to leave 16,000 square feet of outdoor play space.

Mr. Fejes stated that obviously the 150 feet per child allowed for outdoor play space was set for a specific reason. Mrs. Howard indicated that the State wants only 75 feet per child and Troy's standards are much higher. Mr. Howard said that the State requires a maximum of 5000 square feet and the City requirements starts with a minimum of 5000 square feet.

Mr. Courtney said that they have sufficient property to add this parking lot, but don't want to use for this request as they can develop it in a more profitable way. Mrs. Howard said that this property is zoned Commercial and would rather not turn it into a playground. Mr. Courtney then said that this is not a hardship that runs with the land but more of a profit hardship. Mrs. Howard said that they could use the property but would rather not.

Mr. Vleck asked if that was a completely separate piece of property and Mrs. Howard said that it was.

Mr. Kovacs said that due to the fact that they have infants they do not require this outdoor play space, but that he agrees with Mr. Courtney and believes that the Ordinance needs to be reworded. Mr. Kovacs was not sure that the Board of Zoning

**ITEM #10 – con't.**

Appeals was the correct body to make this type of decision. Mrs. Howard said that the infants do have a play area outside of their rooms because of the gymnasium. Mr. Kovacs went on to say that he feels that this facility is very well maintained and beautiful, but is concerned because the variance runs forever and if the property is sold someone else could come in and move it.

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

There are no written approvals or objections on file.

Mr. Vleck stated that as a member of the Planning Commission he felt that it would make sense for this item to be studied by the Planning Commission in order to make some adjustments in the wording of the Ordinance, which would apply to this request.

Mr. Hutson asked what the petitioner's timetable was regarding this matter and Mrs. Howard indicated that they wanted to get the parking lot in ASAP. Mrs. Howard then asked how long the process would take if the request were to go to the Planning Commission and also if they would be allowed to start putting their parking lot in. Mr. Stimac stated that based upon the layout of the site, the most logical location for additional play space would be to the west of the existing outdoor play area where the parking lot is currently proposed. If they are denied in their request, it would not make sense for them to put in a parking lot only to have to remove it at a later date.

Mrs. Howard then asked how long the process would take through the Planning Commission. Mr. Vleck said that the first step is for them to get on the Agenda, and then Public Hearing notices would be sent out, and they were looking at least four to six weeks with the Planning Commission, and then any changes in the Ordinance would have to go to City Council. Mr. Vleck said that he thought a text ordinance revision would take several months.

Mr. Vleck suggested that a postponement would at least allow the Board to examine the possibility of placing a condition on the variance, which would be enforceable.

Motion by Gies  
Supported by Kovacs

**ITEM #10 – con't.**

MOVED, to postpone the request of Mr. and Mrs. Rick Howard, 2051 E. Big Beaver, for relief of the Zoning Ordinance to have a day care center for 145 children with 16,637 square feet of outdoor play space where 21,750 square feet are required by Section 10.30.03 until the meeting of June 17, 2003.

- To allow the Board to determine if conditions could be imposed on this variance request.
- To allow the petitioner the opportunity to seek a text amendment to address this condition.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL JUNE 17, 2003 CARRIED

**ITEM #11 – VARIANCE REQUESTED. MR. & MRS. WALT ROMANO, 5759 GLASGOW**, for relief of the setback requirements to construct an attached garage addition resulting in side yard setbacks totaling 19.6 feet where a total of 25' is required by Section 30.10.02.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an attached garage addition. The site plan submitted indicates that the proposed attached garage addition would result in a total of 19.6' for the combined side yard setbacks. Section 30.10.02 requires a 25' minimum for the total of both side yard setbacks in the R-1B Zoning District.

Mr. Bill Luster, the Builder for the Romano's was present and said that upon examination of this area a number of people had done this same type of addition. Mr. Luster also said that a detached garage would not be aesthetically pleasing and would ruin the view of the lots. Mr. Luster also indicated that the neighbors said that they would rather see the garage attached then detached.

Mr. Romano said that their desire is to have an attached garage for convenience and also for additional storage. Mr. Romano said that they have young children and feels that their yard is cluttered and this would enable them to put these things inside. Mr. Luster said that right now they have an outside storage container, which is about 8' x 8' and the existing garage, is quite small. Mr. Romano also said that two of his neighbors have also added on to their property in a similar manner. Mrs. Romano said that their closest neighbor has also come in to express his approval.

Mr. Maxwell asked if they were adding on to the existing garage or if they were adding an addition. Mr. Romano said all they were doing was going to be adding to the existing garage space. Mr. Maxwell then said the addition could come out 15' and would comply with the Ordinance, but the reason for the variance request is for an additional 5'.

**ITEM #11 – con't.**

Mr. Maxwell questioned why the 15' is not enough. Mrs. Romano said that in order to get into the existing garage a 90-degree turn is required and the new addition will be straight up the driveway. Mrs. Romano also said that when the cars are parked in the garage it is very difficult to open the doors to get out. Mrs. Romano also said that lacking this variance it would not be worth it for them to add on. Mr. Maxwell then asked what the size of the existing garage and was told it is 18' wide.

Mr. Courtney asked what the depth of the garage was and Mr. Romano said it was about 20', less about 3' because of the curve. Mr. Courtney then asked if they could add a door and Mrs. Romano said if they did that they would have to move the entire driveway.

Mr. Kovacs asked how the existing garage would be used and how much room is there from the front of the building to the new structure. Mr. Luster said that the new structure would only be set back about 2 ½ feet from the existing garage. Mr. Luster also explained that there would only be one door on this structure.

Mr. Kovacs then asked Mr. Stimac how much room was available from the back of the house to the back of the property. Mr. Stimac said that if the mortgage survey is correct they would have approximately 66.5'. Mr. Kovacs then asked what the rear yard setback is and Mr. Stimac explained that it is a 45' rear yard setback. Mr. Kovacs then said that he thought the petitioner would have the room to add a detached garage. Mr. Romano stated that the homeowner's association by-laws state that they do not want detached garages in the area. Mr. Stimac also said that they could build an accessory structure within 6' of the rear property line. Mr. Romano also said that all of the neighbors were pleased that the garage would be attached rather than detached.

Mr. Courtney said that even though the City would allow a detached garage, he felt that they are bound by the deed restrictions not to have a detached garage.

The Chairman opened the Public Hearing.

Mr. Thomas Gilmore of 5775 Glasgow was present and stated that he had lived in this area since 1989 and has seen four different homeowners at this address. Mr. Gilmore also said that he felt that these homeowners had moved out because of the need for more garage space. Mr. Gilmore said that he and his wife walk every night and there are a number of attached garages in this area. Mr. Gilmore also stated that he had seen the plans for this garage and is very pleased with the plans. Mr. Gilmore said that he is in favor of this variance request.

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

There are four (4) written approvals on file. There are two (2) written objections on file.

**ITEM #11 – con't.**

Motion by Vleck  
Supported by Courtney

MOVED, to grant Mr. and Mrs. Walt Romano, 5759 Glasgow, a variance for relief of the setback requirements to construct an attached garage addition resulting in side yard setbacks totaling 19.6 feet where a total of 25' is required by Section 30.10.02.

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

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED.

**ITEM #12 – VARIANCE REQUESTED. ROBERT J. ROBERTS, OF LRS**

**DEVELOPMENT, 1071 WHEATON**, for relief of the Zoning Ordinance to construct an addition to an existing industrial building with a 26' front yard, a 15' rear yard, and with 1,904 square feet of countable landscaping. Section 30.20.09 requires a 50' front yard and a 20' rear yard and Section 39.70.04 requires at least 1,941 square feet of landscaping.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to an existing industrial building. The existing building has a 26' front yard setback and a 15' rear yard setback. A variance was granted for the existing building in 1967. The plans that were submitted indicate that these setbacks will be continued with the new addition. Section 30.20.09 of the Troy Zoning Ordinance requires a 50' minimum front yard setback and a 20' minimum rear yard setback for buildings in the M-1 (Light Industrial) Zoning District. In addition, for a site this size Section 39.70.04 requires that a minimum of 1,941 square feet of countable landscaping be provided. Only 1,904 square feet of countable landscaping are provided. Mr. Stimac further explained that the petitioner had modified his plan and now meets the landscaping requirement.

Mr. Robert Roberts was present and stated that they wished to add on to the existing building and in order for the building to line up it would require this front yard setback.

Mr. Hutson asked who owned the building to the west and Mr. Roberts stated that it was not his building.

Mr. Courtney asked why they wished to put on an addition and Mr. Roberts said that it was because they have another tenant coming in and without a variance this tenant would be left with a very small space. Mr. Roberts also said that they are asking for the rear yard setback so the it will line up with the existing building. Mr. Roberts also said

**ITEM #12 – con't.**

that they had the building on Wheaton and also on Acacia and Wheaton and they have maintained the yard of the building on the corner in order to make the buildings look good.

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 Kovacs  
Supported by Fejes

MOVED, to grant Robert J. Roberts, of LRS Development, 1071 Wheaton, a variance for relief of the Zoning Ordinance to construct an addition to an existing industrial building with a 26' front yard and a 15' rear yard setback.

- Variance is not contrary to public interest.
- The building addition will line up with the existing structure.
- Literal enforcement of the Ordinance is unnecessarily burdensome.
- Variance would not have an adverse effect to surrounding property.
- Variance applies only to the property described.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED.

**ITEM #13 – VARIANCE REQUESTED. HOMEWORKS CGO, INC. 601 REDWOOD,** for relief of the Zoning Ordinance to construct a family room addition resulting in 2,529 square feet of lot coverage where 2,394 square feet is permitted by Section 30.10.06.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a family room addition. Section 30.10.06 of the Zoning Ordinance limits the lot coverage of all building to 30 percent of the lot area in the R-1E Zoning District. Since the lot area is 7,980 square feet, the maximum allowable lot coverage area is 2,394 square feet. The site plan submitted indicates that the proposed addition would bring the total lot coverage to 2,529 square feet.

Mr. John Abefusa of Homeworks cgo, Inc. was present and stated that originally they explored the possibility of adding a second story to this home; however due to the fact that the entire home has vaulted ceilings the addition would have been cost prohibitive and also would have affected each room. Mr. Abefusa also said that originally they had added a covered porch to the plan, but Mitch Grusnick suggested they remove it as it also added to the total amount of square footage of the house.

**ITEM #13 – con't.**

Mr. and Mrs. Tollafield were present and they brought in another approval from one of their neighbors. Mr. Tollafield said that they wished to add on to their home for the following reasons: they would enlarge the master bedroom to allow for a bedroom closet and also for enough room to add a dresser; and on the other side of the house, the current back door to the breezeway opens to the basement and they are concerned about the safety of their children; and finally they would add a family room which would extend off the existing dining room.

Mr. Kovacs asked how big the existing home was and Mr. Tollafield said it was 1300 square feet.

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

There are six (6) approvals on file. There are no written objections on file.

Mr. Maxwell asked what the front setbacks were in this Zoning District. Mr. Stimac explained that in the R-1E Zoning District a 25' front yard setback. Mr. Maxwell pointed out that there is a lot of room at the rear of the property and the petitioner is limited due to the short front yard setback.

Mr. Courtney stated that he thought this garage was quite large and asked if they could knock off 200' and then not require a variance. Mr. Stimac stated that they could; however, in 1992 the Board of Zoning Appeals granted a variance to allow the garage to be 11 square feet over what is permitted and also to allow a 3' side yard setback on the garage.

Motion by Maxwell  
Supported by Gies

MOVED, to allow Homeworks cgo, Inc., a variance for relief to construct a family room addition at 601 Redwood, resulting in 2,529 square feet of lot coverage where 2,394 square feet is permitted by Section 30.10.06.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance would preclude full enjoyment and use of this property.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #14 – VARIANCE REQUESTED. YUEN WONG, 3400 EAGLE,** for relief of the rear yard setback to construct an addition with a 29' rear yard setback where 35' is required by Section 34.20.03.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to his home. The site plan submitted indicates that the proposed addition would result in a 29' rear yard setback. Section 34.20.03 of the Ordinance requires a 35' rear yard setback in an R-1D zoned district utilizing the open space option. In January 2000, this Board granted a variance to allow Mr. Wong to construct a 16' x 16' living room addition on an existing foundation at the rear of their home that resulted in a 29' rear yard setback. Petitioner is now requesting to extend this addition along the back of their home.

Mr. Yuen Wong was present and said that this addition would be a continuation of the first addition and would not protrude into other property or obstruct the site of other property in the area. Mr. Wong went on to say that his family situation has changed in that now he and his wife have a young child and hope to have more children. Mr. Wong also stated that he is the oldest son in the family and eventually his parents and his wife's parents would be moving in with them. Mr. Wong explained that his home is a quad-level and this addition would allow their parents more privacy. Mr. Wong also said that they would use the existing addition for their parents' bedroom. Mr. Wong further stated that after this addition is constructed he planned to add more trees in order to shield this addition from the neighbors.

Mr. Courtney stated that the last variance was granted for protection from insect bites and now Mr. Wong is asking for a variance, which will result in a much larger house. Mr. Courtney asked Mr. Wong if he thought perhaps he should look for a larger house and Mr. Wong said that he likes the neighborhood he is in and wants to stay there. Mr. Wong wants to be able to provide extra space for his and his wife's parents. Mr. Courtney then said he would have three families living in his home. Mr. Wong said this is true and also they would like to have more children.

Mr. Kovacs asked if a large tree would need to be removed if the addition were constructed. Mr. Wong said that the tree is in his neighbors yard.

Mr. Maxwell asked how large this lot is and Mr. Wong stated that it is 60' wide and 120' long. Mr. Maxwell then asked how large the home would be after the addition is constructed and Mr. Wong said that it would be approximately 2,700 square feet. Mr. Maxwell said that he felt this addition would make the home too large for the lot. Mr. Stimac said that the ground floor area of the house is 2,534 square feet. Based on the 30% lot coverage that is allowed, the most Mr. Wong should have on this property is 2,160 square feet. However the request to exceed the lot coverage was not advertised as part of the public hearing notice. Before the board could act affirmatively on a request to exceed the lot coverage, new hearing notices would need to be sent out. Mr. Stimac also pointed out that based on the information the petitioner has provided this evening, this addition would not comply with the use requirements in this Zoning District,

**ITEM #14 – con't.**

because this would become a two (2) family dwelling, and possibly a three (3) family dwelling, and this Board cannot grant a use variance.

Mr. Wong explained that the parents would not come to live with him at the same time, but would live with them on a rotating basis. Mr. Hutson said this home would still become a two (2) family dwelling, which is not allowed in this Zoning District.

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

There are five (5) written objections on file. There is one (1) written approval with stipulations on file.

Motion by Courtney  
Supported by Gies

MOVED, to deny the request of Yuen Wong, 3400 Eagle, for relief of the rear yard setback to construct an addition with a 29' rear yard setback where 35' is required by Section 34.20.03.

- Petitioner did not demonstrate a hardship with the land.
- Variance would cause a substantial adverse effect to surrounding property.
- Variance would be contrary to public interest.
- Variance would cause this home to be overbuilt for the lot.

Yeas: All – 7

MOTION TO DENY REQUEST CARRIED.

**ITEM #15 – VARIANCE REQUESTED. DOUGLAS CHICK, ON BEHALF OF MR. & MRS. T. CHICK, 2706 TOWNHILL,** for relief of the Ordinance to construct an addition with a 36'-6" rear yard setback where Section 30.10.02 requires a 45' rear yard on to an existing non-conforming structure with a 33'-1" rear yard.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an addition to their home. Section 30.10.02 of the Zoning Ordinance requires a 45' rear yard setback in R-1B Zoning Districts. The site plan submitted indicates the existing house has a rear yard setback of only 33'-1". Because of the age of the home, this condition makes it a legal non-conforming structure. The proposed addition has a 36'-6" rear yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases its non-conformity.

Mr. Douglas Chick was present and stated that they are asking to construct this addition in order to put the laundry room and sewing room on the first floor to make access

**ITEM #15 – con't.**

easier for his mother, the owner. Mr. Chick also said that part of the home is closer to the rear lot line than where they want to add this addition. Mr. Chick pointed out that the kitchen is located on the east side of the house and they are hoping to be able to put up the addition without disturbing the kitchen and also that this would be the most cost effective way to do this addition.

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

There are eight (8) written approvals on file. There are no objections on file.

Motion by Maxwell  
Supported by Courtney

MOVED, to grant Douglas Chick, on behalf of Mr. and Mrs. T. Chick, 2706 Townhill, a variance for relief of the Ordinance to construct an addition with a 36'-6" rear yard setback where Section 30.10.02 requires a 45' rear yard setback on to an existing non-conforming structure with a 33'-1" rear yard setback.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**OTHER BUSINESS****ITEM #16 - Election of Officers for Board of Zoning Appeals**

Motion by Courtney  
Supported by Vleck

MOVED, to appoint Mark Maxwell Chairman, and Marcia Gies Vice-Chairman for the Board of Zoning Appeals until May 31, 2004.

Yeas: All – 7

MOTION CARRIED

The Board of Zoning Appeals meeting adjourned at 9:03 P.M.

MS/pp